

**OFFICIAL JOURNAL  
OF THE  
SENATE  
OF THE  
STATE OF LOUISIANA**

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**FOURTEENTH DAY'S PROCEEDINGS**

**Thirty-First Regular Session of the Legislature  
Under the Adoption of the  
Constitution of 1974**

Senate Chamber  
State Capitol  
Baton Rouge, Louisiana

Tuesday, May 17, 2005

The Senate was called to order at 1:30 o'clock P.M., by Hon. Donald E. Hines, President of the Senate.

**ROLL CALL**

The roll being called, the following members answered to their names:

**PRESENT**

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Total - 36		

**ABSENT**

Barham  
Total - 1

The President of the Senate announced there were 36 Senators present and a quorum.

**Prayer**

The prayer was offered by Reverend Wayne Jenkins, following which the Senate joined in pledging allegiance to the flag of the United States of America.

**Reading of the Journal**

On motion of Senator McPherson, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

**Morning Hour**

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**

**CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

May 16, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

**SENATE CONCURRENT RESOLUTION NO. 59—**

BY SENATOR SMITH

**A CONCURRENT RESOLUTION**

To commend Anna M. Westergard upon being named a recipient of the prestigious Barry M. Goldwater Scholarship.

Reported without amendments.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**Introduction of  
Senate Concurrent Resolutions**

The following Senate Concurrent Resolutions, were introduced and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 62—**

BY SENATOR ADLEY

**A CONCURRENT RESOLUTION**

To direct the secretary of the Department of Revenue to accept amended income tax returns for certain taxpayers and make refunds to reflect the appropriate amount of exemption for retirement income for certain persons sixty-five years or older.

The resolution was read by title. Senator Adley moved to adopt the Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	McPherson
Adley	Fields	Michot
Amedee	Fontenot	Mount
Bajoie	Gautreaux B	Murray
Boasso	Gautreaux N	Nevers
Broome	Hollis	Romero
Cain	Jackson	Schedler
Chaisson	Jones	Smith
Cheek	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Duplessis	Malone	
Dupre	Marionneaux	
Total - 34		

**NAYS**

Total - 0

**ABSENT**

Barham	Cravins	Heitmeier
Total - 3		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE BILLS AND JOINT RESOLUTIONS**

May 17, 2005

To the Honorable President and Members of the Senate:

# Page 2 SENATE

May 17, 2005

## 14th DAY'S PROCEEDINGS

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

### HOUSE BILL NO. 164—

BY REPRESENTATIVE JACKSON  
AN ACT

To amend and reenact R.S. 22:1262.1(G) and to repeal R.S. 22:1262.1(F)(2), relative to surplus lines insurance; to provide for notice of removal from approved list; and to provide for related matters.

### HOUSE BILL NO. 511—

BY REPRESENTATIVE HUTTER  
AN ACT

To amend and reenact R.S. 15:574.15(A)(1) and (2)(introductory paragraph), relative to violations of municipal ordinances in a municipality having a population of more than four hundred fifty thousand inhabitants; to provide that judges exercising criminal jurisdiction in district, municipal, or traffic court have the authority to fix bail for persons arrested for certain municipal violations; to prohibit elected officials from granting parole for certain violations; and to provide for related matters.

### HOUSE BILL NO. 552—

BY REPRESENTATIVE ST. GERMAIN  
AN ACT

To enact Part IV-C of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1730.41 through 1730.48, and to repeal Part IV-B of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1730.21 through 1730.32, relative to the state fire marshal; to provide for the Commercial Building Energy Conservation Code; to provide for definitions; to provide for adoption of code; to provide for enforcement and rules; to provide for amendments and revisions to the code; to provide for fees; to provide for training and technical assistance; to repeal existing provisions; and to provide for related matters.

### HOUSE BILL NO. 405—

BY REPRESENTATIVE ALEXANDER  
AN ACT

To enact R.S. 17:62, to provide relative to term limits for the Lafayette Parish School Board; to authorize the school board to adopt such limits subject to voter approval; and to provide for related matters.

### HOUSE BILL NO. 445—

BY REPRESENTATIVE WINSTON  
AN ACT

To amend and reenact R.S. 46:52.1(C)(1)(introductory paragraph) and (2), relative to "No Wrong Door"; to provide for the implementation of an integrated case management model; and to provide for related matters.

### HOUSE BILL NO. 448—

BY REPRESENTATIVES HOPKINS AND SALTER  
AN ACT

To amend and reenact R.S. 40:1149, relative to certified operators of water systems; to exempt certain systems from operation and on-site premises requirements; and to provide for related matters.

Respectfully submitted,  
ALFRED W. SPEER

Clerk of the House of Representatives

### House Bills and Joint Resolutions on First Reading

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

### HOUSE BILL NO. 164—

BY REPRESENTATIVE JACKSON  
AN ACT

To amend and reenact R.S. 22:1262.1(G) and to repeal R.S. 22:1262.1(F)(2), relative to surplus lines insurance; to provide for notice of removal from approved list; and to provide for related matters.

The bill was read by title; lies over under the rules.

### HOUSE BILL NO. 405—

BY REPRESENTATIVE ALEXANDER  
AN ACT

To enact R.S. 17:62, to provide relative to term limits for the Lafayette Parish School Board; to authorize the school board to adopt such limits subject to voter approval; and to provide for related matters.

The bill was read by title; lies over under the rules.

### HOUSE BILL NO. 445—

BY REPRESENTATIVE WINSTON  
AN ACT

To amend and reenact R.S. 46:52.1(C)(1)(introductory paragraph) and (2), relative to "No Wrong Door"; to provide for the implementation of an integrated case management model; and to provide for related matters.

The bill was read by title; lies over under the rules.

### HOUSE BILL NO. 448—

BY REPRESENTATIVES HOPKINS AND SALTER  
AN ACT

To amend and reenact R.S. 40:1149, relative to certified operators of water systems; to exempt certain systems from operation and on-site premises requirements; and to provide for related matters.

The bill was read by title; lies over under the rules.

### HOUSE BILL NO. 511—

BY REPRESENTATIVE HUTTER  
AN ACT

To amend and reenact R.S. 15:574.15(A)(1) and (2)(introductory paragraph), relative to violations of municipal ordinances in a municipality having a population of more than four hundred fifty thousand inhabitants; to provide that judges exercising criminal jurisdiction in district, municipal, or traffic court have the authority to fix bail for persons arrested for certain municipal violations; to prohibit elected officials from granting parole for certain violations; and to provide for related matters.

The bill was read by title; lies over under the rules.

### HOUSE BILL NO. 552—

BY REPRESENTATIVE ST. GERMAIN  
AN ACT

To enact Part IV-C of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1730.41 through 1730.48, and to repeal Part IV-B of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1730.21 through 1730.32, relative to the state fire marshal; to provide for the Commercial Building Energy Conservation Code; to provide for definitions; to provide for adoption of code; to provide for enforcement and rules; to provide for amendments and revisions to the code; to provide for fees; to provide for training and technical assistance; to repeal existing provisions; and to provide for related matters.

The bill was read by title; lies over under the rules.

### Messages from the House

The following Messages from the House were received and read as follows:

**Message from the House****ASKING CONCURRENCE IN  
HOUSE CONCURRENT RESOLUTIONS**

May 16, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

**HOUSE CONCURRENT RESOLUTION NO. 104—**

BY REPRESENTATIVES ODINET, BALDONE, AND HUTTER AND SENATOR ULLO

**A CONCURRENT RESOLUTION**

To express the support of the Louisiana Legislature for the shrimp industry and for the "Bonne Crevette" marketing campaign in support of Louisiana wild-caught shrimp.

**HOUSE CONCURRENT RESOLUTION NO. 106—**

BY REPRESENTATIVES HONEY, BADON, BARROW, BAYLOR, BURRELL, K. CARTER, CRAVINS, CURTIS, DORSEY, GALLOT, GLOVER, GRAY, E. GUILLORY, HUNTER, JACKSON, JEFFERSON, LAFONTA, MARCHAND, MORRELL, PIERRE, QUEZAIRE, RICHMOND, AND SHEPHERD AND SENATORS BAJOE, BROOME, CRAVINS, DUPLESSIS, FIELDS, JACKSON, JONES, AND MURRAY

**A CONCURRENT RESOLUTION**

To commend Southern University upon the celebration of its one hundred twenty-fifth anniversary.

Respectfully submitted,  
ALFRED W. SPEER

Clerk of the House of Representatives

**House Concurrent Resolutions**

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 104—**

BY REPRESENTATIVES ODINET, BALDONE, AND HUTTER AND SENATOR ULLO

**A CONCURRENT RESOLUTION**

To express the support of the Louisiana Legislature for the shrimp industry and for the "Bonne Crevette" marketing campaign in support of Louisiana wild-caught shrimp.

The resolution was read by title. Senator Boasso moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Marionneaux
Adley	Fields	McPherson
Amedee	Fontenot	Michot
Bajoie	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Broome	Heitmeier	Nevers
Cain	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Dupre	Malone	
Total - 35		

**NAYS**

Total - 0

**ABSENT**Barham  
Total - 2

Cravins

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**HOUSE CONCURRENT RESOLUTION NO. 106—**

BY REPRESENTATIVES HONEY, BADON, BARROW, BAYLOR, BURRELL, K. CARTER, CRAVINS, CURTIS, DORSEY, GALLOT, GLOVER, GRAY, E. GUILLORY, HUNTER, JACKSON, JEFFERSON, LAFONTA, MARCHAND, MORRELL, PIERRE, QUEZAIRE, RICHMOND, AND SHEPHERD AND SENATORS BAJOE, BROOME, CRAVINS, DUPLESSIS, FIELDS, JACKSON, JONES, AND MURRAY

**A CONCURRENT RESOLUTION**

To commend Southern University upon the celebration of its one hundred twenty-fifth anniversary.

The resolution was read by title. Senator Fields moved to concur in the House Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Ellington	Marionneaux
Adley	Fields	McPherson
Amedee	Fontenot	Michot
Bajoie	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Broome	Heitmeier	Nevers
Cain	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Dupre	Malone	
Total - 35		

**NAYS**

Total - 0

**ABSENT**Barham  
Total - 2

Cravins

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**House Bills and Joint Resolutions  
on Second Reading to be Referred**

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

**HOUSE BILL NO. 16—**

BY REPRESENTATIVE FARRAR AND SENATOR MCPHERSON

**AN ACT**

To amend and reenact R.S. 14:32.1(A)(4), relative to vehicular homicide; to delete the requirement that the operator of a vehicle flee the scene of the accident as an element of the crime of vehicular homicide; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 17—**

BY REPRESENTATIVES T. POWELL, BRUCE, BURRELL, CRAVINS, MARTINY, JANE SMITH, TRICHE, WHITE, AND WOOTON

**AN ACT**

To amend and reenact Code of Criminal Procedure Article 571.1, relative to time limitations for prosecuting certain sex offenses; to amend the time limitations for instituting prosecutions for

certain sex offenses involving a victim under the age of seventeen years; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 20—**  
BY REPRESENTATIVES STRAIN AND SCHNEIDER  
AN ACT

To enact R.S. 40:989.1, relative to controlled dangerous substances; to create the crime of the unlawful production, manufacture, distribution, or possession of a material, compound, mixture, or preparation intended for human consumption which contains a hallucinogenic plant; to provide for definitions; to provide for penalties; to provide for exceptions; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

**HOUSE BILL NO. 90—**  
BY REPRESENTATIVES BRUNEAU, ARNOLD, AND RICHMOND  
AN ACT

To amend and reenact R.S. 47:305.40(A) and to enact R.S. 47:301(8)(f), relative to state and local sales and use taxes; to provide that certain carnival and nonprofit organizations participating in certain parades and purchases or sales of certain specialty items by such organizations are not subject to such taxes; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**HOUSE BILL NO. 103—**  
BY REPRESENTATIVE FRITH  
AN ACT

To enact R.S. 17:3048.1(A)(5), to permit use of Tuition Opportunity Program for Students Opportunity, Performance, and Honors Awards at certain out-of-state nonpublic colleges and universities; to provide conditions for and limitations on such use; to provide relative to award amounts; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Education.

**HOUSE BILL NO. 157—**  
BY REPRESENTATIVE PITRE  
A JOINT RESOLUTION

Proposing to amend Article XIII, Section 2 of the Constitution of Louisiana, relative to constitutional conventions; to provide that the law calling for a constitutional convention may limit the matters to be considered by the constitutional convention; to provide relative to the effectiveness of certain proposals by a constitutional convention; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

**HOUSE BILL NO. 187—**  
BY REPRESENTATIVES ARNOLD, ALARIO, ALEXANDER, ANSARDI, BADON, BALDONE, BAUDOIN, BRUCE, BRUNEAU, BURNS, CAZAYOUX, CRANE, CRAVINS, CURTIS, DARTEZ, DORSEY, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GREENE, HAMMETT, HEATON, HEBERT, HILL, HUTTER, JACKSON, KATZ, KENNEY, LAFLEUR, LAFONTA, LANCASTER, MARCHAND, MARTINY, MCDONALD, MONTGOMERY, MORRELL, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SCALISE, SCHNEIDER, SHEPHERD, GARY SMITH, JANE SMITH, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TUCKER, WALKER, AND WALSWORTH

A JOINT RESOLUTION

Proposing to amend Article VII, Section 21(E) of the Constitution of Louisiana, to remove prohibition against extending ad valorem tax exemption for motor vehicles to taxes levied by a municipal governing authority or a district created by such authority; to

exempt motor vehicles from municipal ad valorem taxes; to provide for the submission of the proposed amendment to the electors; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**HOUSE BILL NO. 200—**  
BY REPRESENTATIVE JACK SMITH  
AN ACT

To enact R.S. 56:123, relative to hunting; to prohibit hunting on private property without the authorization of the property owner; to provide for penalties; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Natural Resources.

**HOUSE BILL NO. 203—**  
BY REPRESENTATIVES FAUCHEUX AND WALSWORTH  
AN ACT

To amend and reenact R.S. 22:250.2(E)(2)(b) and to enact R.S. 22:250.2(E)(2)(a)(iv) and (c)(iii), relative to health insurance; to provide with respect to group health insurance coverage of a dependent previously enrolled in the Louisiana Children's Health Insurance Program; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Insurance.

**HOUSE BILL NO. 208—**  
BY REPRESENTATIVE BOWLER  
AN ACT

To amend and reenact R.S. 49:992(B)(2), relative to adjudications by the division of administrative law; to require that any agency shall comply fully and in a timely manner with the final decision or order of an administrative law judge in an adjudication commenced by the division of administrative law; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

**HOUSE BILL NO. 214—**  
BY REPRESENTATIVE GALLOT  
AN ACT

To enact Title XXII-A of Book III of the Civil Code, consisting of Civil Code Articles 3338 through 3368; and R.S. 44:77 through 80, 111 through 119, and 171; to amend and reenact Civil Code Articles 517, 1554, 2021, 2035, 2442, and 3337; Code of Civil Procedure Articles 3752 and 4362; R.S. 9:4833 and 4834; R.S. 13:901; and R.S. 44:71, 72, 73, 75, and 131; to repeal Civil Code Articles 3308, 3309, 3310, 3314, 3320(A) and (B), 3321 through 3324, and 3327 through 3336; R.S. 9:2371(A) and (B), 2721(A), 2721.1, 2722, 2728, 2733, 2741 through 2757, 5141, 5161, 5162, 5165, 5166, 5167(A) through (D), 5168 through 5207, 5214 through 5216, 5502, and 5556; R.S. 13:752 through 755, 913, and 3727; R.S. 35:17; and R.S. 44:76, 102 and 103, 132 through 136, 138, 162, 163, 202, 203, 232, 232.1, 233, and 268; and to redesignate R.S. 9:2731 as R.S. 31:216 and R.S. 9:2732 as R.S. 31:217, all relative to the recordation of documents in the mortgage and conveyance records and the consolidation of the laws affecting the recordation of documents; to provide for the rules relative to the recordation of documents affecting immovable property; to provide for the duties and liability of the recorders; to provide for the effect of recordation as to third persons; to provide the limits to the effect of recordation and for matters not of record; to provide for the recordation of duplicate documents; to provide for the place of recordation; to provide for the stamping of documents by the recorder, the failure to endorse, and the presumption as to time of filing; to provide for the effect of ancient documents; to provide for information required to be in recorded acts and the effect of omissions; to provide for the cancellation of mortgages and liability for incorrect or false requests for cancellation; to provide for the recordation of transfers, amendments, and

releases; to provide for the method and duration of the recordation of mortgages and the method of reinscription; to provide for the vendor's privilege and mortgage protecting the interest of a minor; to provide for the reinscription of notices of contract; to provide for the requirements for indexing names by the recorders; to provide for the office of mortgages and conveyances and for the establishment of branch offices; to provide for limitations of liability of the clerk and for insurance against liability; to provide for certified copies of records and their effect, recordation of notice of lease, certificate of encumbrances, and recordation of military discharge papers; to provide for the effect of an order of discharge in bankruptcy on recorded acts; to provide for the method of establishing the authenticity of documents; to provide for actions against the recorder; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

#### HOUSE BILL NO. 252—

BY REPRESENTATIVE ARNOLD  
AN ACT

To amend and reenact R.S. 42:5(D) and to repeal R.S. 42:5.1, relative to open meetings; to provide for public comment at meetings of school boards; to remove specific provisions applying to meetings of school boards; to apply general provisions regarding public comment at meetings of public bodies to school boards; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

#### HOUSE BILL NO. 269—

BY REPRESENTATIVE BAYLOR  
AN ACT

To amend and reenact R.S. 2:135.1(B)(2)(b), relative to certain airport leases; to increase the maximum extension of the primary term of certain airport leases; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways and Public Works.

#### HOUSE BILL NO. 270—

BY REPRESENTATIVES ANSARDI AND MARTINY  
AN ACT

To amend and reenact R.S. 32:411.1(E)(2), relative to the surrender of drivers' licenses; to authorize the issuance of temporary permits electronically under certain circumstances; to provide relative to certain requirements; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways and Public Works.

#### HOUSE BILL NO. 276—

BY REPRESENTATIVE BALDONE  
AN ACT

To enact R.S. 14:72.4, relative to disposal of property with fraudulent intent; to create and define the crime of disposal of property with fraudulent intent; to provide for penalties; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

#### HOUSE BILL NO. 281—

BY REPRESENTATIVE ANSARDI  
AN ACT

To amend and reenact R.S. 13:3714, relative to the admissibility of blood alcohol concentration (BAC) test reports; to provide for the admissibility of certified copies of BAC test reports of the state police crime laboratory in civil actions; to provide for

cross-examination by the party against whom the report is sought to be used; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

#### HOUSE BILL NO. 282—

BY REPRESENTATIVE GEYMAN  
AN ACT

To enact R.S. 44:9(A)(3)(c), relative to the expungement of juvenile records; to provide for an exemption from payment of processing fees in certain juvenile cases; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

#### HOUSE BILL NO. 294—

BY REPRESENTATIVE TOWNSEND  
AN ACT

To enact R.S. 2:135.1(A)(4), relative to the lease of certain airport facilities at the Natchitoches Regional Airport; to exempt leases from provisions on leases of public lands; to require the governing authority of certain airports to meet certain requirements; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways and Public Works.

#### HOUSE BILL NO. 304—

BY REPRESENTATIVE HAMMETT  
AN ACT

To enact R.S. 47:301(10)(y), relative to state sales and use taxes; to exclude purchases of natural gas held, used, or consumed in providing natural gas storage services or operating natural gas storage facilities from the state sales and use tax; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

#### HOUSE BILL NO. 308—

BY REPRESENTATIVE BOWLER  
AN ACT

To amend and reenact Civil Code Article 3549, relative to conflict of laws; to provide for the applicability of law governing prescription and peremption; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

#### HOUSE BILL NO. 388—

BY REPRESENTATIVES FANNIN, MCDONALD, THOMPSON, AND  
WALSWORTH AND SENATOR KOSTELKA  
AN ACT

To amend and reenact R.S. 38:3097.2(1) through (4), 3097.3(C)(5), and 3097.6, relative to ground water management; to provide for definitions; to provide for powers and duties of the commissioner of conservation; to provide for determination of areas of ground water concern and critical areas of ground water concern; to provide for applications under current consideration and declared critical ground water areas; to provide for rules and regulations; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Environmental Quality.

#### HOUSE BILL NO. 419—

BY REPRESENTATIVES K. CARTER AND SCALISE AND SENATOR  
HAINKEL  
A JOINT RESOLUTION

Proposing to add Article VII, Section 21(C)(19) of the Constitution of Louisiana, relative to ad valorem property tax exemptions; to provide an exemption for certain artwork; to provide for

submission of the proposed amendment to the electors; to provide for an effective date; and to provide for related matters.

Under the provisions of Joint Rule No. 5, the bill, which is a duplicate of Senate Bill No. 200, was read by title and returned to the calendar, subject to call.

**HOUSE BILL NO. 465—**

BY REPRESENTATIVE BALDONE  
AN ACT

To amend and reenact Code of Civil Procedure Article 4133, relative to the special mortgage furnished by a tutor; to provide for inclusion of the minor's date of birth; to provide for validity of mortgages filed without the minor's date of birth; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 485—**

BY REPRESENTATIVES WALKER, DEWITT, DORSEY, JOHNS, AND LAFLEUR AND SENATORS HINES, CHEEK, AND KOSTELKA  
AN ACT

To amend and reenact R.S. 44:4.1(B)(5) and to enact R.S. 13:3715.4 and 3715.5, relative to medical malpractice; to provide for legislative findings; to provide for the confidentiality of certain information; to provide for the admissibility of certain statements by health care providers; to provide for exceptions to the Public Records Act; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

**HOUSE BILL NO. 509—**

BY REPRESENTATIVE TRICHE  
AN ACT

To enact R.S. 32:853(A)(1)(e), relative to motor vehicle operating records; to provide relative to offenses included on an individual's operating record; to prohibit certain offenses from appearing on an individual's operating record; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways and Public Works.

**HOUSE BILL NO. 599—**

BY REPRESENTATIVES HAMMETT, SALTER, ALARIO, DORSEY, AND FAUCHEUX AND SENATORS HINES, BAJOEI, HEITMEIER, AND MOUNT

AN ACT

To amend and reenact R.S. 3:4684 and R.S. 47:820.1 and 1508(B)(6) and to enact Part V-A of Chapter 7 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:818.1 through 818.104, relative to the taxes on gasoline, motor fuel, and special fuels; to provide for the disclosure of licensee information; to conform the terminology as it relates to the tax dedicated to the Transportation Infrastructure Model of Economic Development Account; to provide for the collection of the tax on gasoline, motor fuels, and special fuels at the point of leaving the terminal rack or upon importation into the state; to provide definitions; to provide for licensing and bond requirements and filing requirements; to provide for civil and criminal penalties; to define certain crimes; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**HOUSE BILL NO. 650—**

BY REPRESENTATIVE ARNOLD  
AN ACT

To amend and reenact R.S. 6:969.35(A) and (D) and 969.37(D) and (G) and to enact R.S. 6:969.6(30) through (33), relative to the Motor Vehicle Sales Finance Act; to provide for definitions; to provide for authority to issue debt waiver or debt forgiveness

agreements; to provide for licenses; to provide for violations; to provide for fees; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

**HOUSE BILL NO. 696—**

BY REPRESENTATIVE PINAC  
AN ACT

To enact R.S. 9:3578.6(A)(8), relative to the Louisiana Deferred Presentment and Small Loan Act; to provide for prohibited acts; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Commerce, Consumer Protection, and International Affairs.

**House Concurrent Resolutions  
on Second Reading**

The following House Concurrent Resolutions were read and acted upon as follows:

**HOUSE CONCURRENT RESOLUTION NO. 17—**

BY REPRESENTATIVE SCHNEIDER  
A CONCURRENT RESOLUTION

To urge and request the Governor's Office of Elderly Affairs to develop a comprehensive Internet site with information and resources focused on enhancing and improving the lives of Louisiana's elderly population.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Health and Welfare.

**HOUSE CONCURRENT RESOLUTION NO. 19—**

BY REPRESENTATIVE FAUCHEUX  
A CONCURRENT RESOLUTION

To memorialize the Congress of the United States of America to take such actions as are necessary to enact legislation establishing English as the official language of the United States.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Senate and Governmental Affairs.

**HOUSE CONCURRENT RESOLUTION NO. 31—**

BY REPRESENTATIVES JANE SMITH AND MONTGOMERY  
A CONCURRENT RESOLUTION

To authorize and direct the Department of Public Safety and Corrections, office of motor vehicles, to inform applicants for issuance and renewal of Louisiana drivers' licenses of the anatomical gift donor and living will designations on the reverse side of the license.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways and Public Works.

**HOUSE CONCURRENT RESOLUTION NO. 54—**

BY REPRESENTATIVE ALEXANDER  
A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to study the future income-earning capacity of individuals who pass the General Education Development (GED) examination in comparison to the future income-earning capacity of individuals who obtain a standard high school diploma, to submit a written report of its findings and recommendations to the House Committee on Education and the Senate Committee on Education not later than two weeks prior to the beginning of the 2006 Regular Session, and if the study finds that individuals who obtain a GED have a lower income-earning capacity than those who obtain a standard high school diploma, to include in the report an explanation of reasons the GED is promoted as an equivalent to a standard high school diploma in Louisiana.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Education.

#### HOUSE CONCURRENT RESOLUTION NO. 56—

BY REPRESENTATIVE HILL AND SENATOR HINES

##### A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to designate a portion of Louisiana Highway 10 in Oakdale, Louisiana, as the "Dr. George B. Mowad Memorial Highway" and to erect proper signage along this route reflecting this designation.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways and Public Works.

#### HOUSE CONCURRENT RESOLUTION NO. 62—

BY REPRESENTATIVE CRAVINS

##### A CONCURRENT RESOLUTION

To direct the clerk of the House of Representatives and the secretary of the Senate, upon the death of a legislator, to notify the office of facility planning and control within the division of administration of the death of the legislator; to direct the office of facility planning and control within the division of administration to expeditiously notify the clerk of the House of Representatives and the secretary of the Senate about any capital outlay requests the deceased legislator had submitted for inclusion in the capital outlay budget or Capital Outlay Bill for the current fiscal year and for the next fiscal year; and to direct the clerk of the House of Representatives and the secretary of the Senate, upon receipt of such information from the office of facility planning, to notify in a timely manner each legislator who represents in whole or in part the area formerly represented by the deceased legislator about any such capital outlay requests submitted by the deceased legislator.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Senate and Governmental Affairs.

#### HOUSE CONCURRENT RESOLUTION NO. 63—

BY REPRESENTATIVE DANIEL

##### A CONCURRENT RESOLUTION

To urge and request public bodies and any agents acting on behalf of public bodies to be open and honest with the public about applicants and candidates for public positions of authority and to discontinue the practice of oral only contacts and interviews, the sole purpose of which is to circumvent the laws relative to public records and the fundamental and constitutional right of the citizens of Louisiana to observe the deliberations of public bodies and examine public documents.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Senate and Governmental Affairs.

#### HOUSE CONCURRENT RESOLUTION NO. 64—

BY REPRESENTATIVE BADON

##### A CONCURRENT RESOLUTION

To urge and request the Louisiana Department of Environmental Quality to cooperate with other state and local governmental agencies in a coordinated effort to aggressively enforce laws and rules and regulations concerning the storage and proper disposal of construction, demolition, and debris waste.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Environmental Quality.

#### HOUSE CONCURRENT RESOLUTION NO. 65—

BY REPRESENTATIVE JACK SMITH

##### A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to install a traffic signal at the intersection of Railroad Avenue and US Highway 90 in Patterson, Louisiana.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways and Public Works.

#### HOUSE CONCURRENT RESOLUTION NO. 77—

BY REPRESENTATIVE M. POWELL AND SENATOR MALONE

##### A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to develop, adopt, and submit to the legislature for its approval and funding a minimum foundation program formula for the 2006-2007 school year that requires at least seventy percent of local school system general fund monies to be expended at the school building level for instructional services and further requires at least sixty-five percent of the general fund monies to be spent at the classroom level for the instruction of students by teachers and instructional staff members; to provide for a report by the state board to the House and Senate education committees prior to the 2006 Regular Session relative to certain local school system expenditures; and to provide for related matters.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Education.

#### HOUSE CONCURRENT RESOLUTION NO. 99—

BY REPRESENTATIVE DAMICO

##### A CONCURRENT RESOLUTION

To commend the National Environmental Health Association and the Louisiana Environmental Health Association for their achievements in protecting public health and to recognize the fourth Monday in April, annually, as National Sanitarian and Environmental Health Specialist Day.

The resolution was read by title. Senator Ullo moved to concur in the House Concurrent Resolution.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Total - 36		

#### NAYS

Total - 0

#### ABSENT

Barham  
Total - 1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

#### HOUSE CONCURRENT RESOLUTION NO. 102—

BY REPRESENTATIVES WINSTON, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOUIN, BOWLER, BRUCE, CRANE, CRAVINS, CURTIS, DAMICO, DEWITT, DORSEY, DOVE, DURAND, ERDEY, FANNIN, FAUCHEUX, FRITH, GREENE, E. GUILLORY, HAMMETT, HILL, HOPKINS, HUTTER, JACKSON, JOHNS, KATZ, KENNEY, LABRUZZO, LAFONTA, MARTINY, McDONALD, MONTGOMERY, ODINET, PIERRE, PINAC, M. POWELL, T. POWELL, QUEZAIRE, RITCHIE, SALTER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOWNSEND, TRAHAN, TUCKER, WADDELL, WALSWORTH, WHITE, AND WRIGHT AND SENATOR SCHEDLER

##### A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Donna Contois, former member of the State Board of Elementary and Secondary Education.

The resolution was read by title. Senator Schedler moved to concur in the House Concurrent Resolution.

### **ROLL CALL**

The roll was called with the following result:

#### **YEAS**

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Total - 36		

#### **NAYS**

Total - 0

#### **ABSENT**

Barham  
Total - 1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

### **Rules Suspended**

Senator Marionneaux asked for and obtained a suspension of the rules for the purpose of taking up at this time.

### **Senate Resolutions to be Adopted, Subject to Call**

The following Senate Resolutions to be adopted, subject to call, were taken up and acted upon as follows:

#### **Called from the Calendar**

Senator Marionneaux asked that Senate Resolution No. 31 be called from the Calendar at this time.

#### **SENATE RESOLUTION NO. 31— BY SENATOR MARIONNEAUX**

##### **A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana to the family of United States Marine Corps Lance Corporal Justin D. McLeese upon his death in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and adopted.

#### **Called from the Calendar**

Senator Marionneaux asked that Senate Resolution No. 32 be called from the Calendar at this time.

#### **SENATE RESOLUTION NO. 32—**

BY SENATOR MARIONNEAUX

##### **A RESOLUTION**

To express the sincere condolences of the Senate of the Legislature of Louisiana upon the death of United States Army Private First Class Torey J. Dantzler in Operation Iraqi Freedom.

On motion of Senator Marionneaux, the resolution was read by title and adopted.

### **Regular Order of the Day Resumed**

#### **Reports of Committees**

The following reports of committees were received and read:

#### **REPORT OF COMMITTEE ON**

#### **RETIREMENT**

Senator B. Gautreaux, Chairman on behalf of the Committee on Retirement, submitted the following report:

May 16, 2005

To the President and Members of the Senate:

I am directed by your Committee on Retirement to submit the following report:

#### **SENATE BILL NO. 231—**

BY SENATOR ADLEY

##### **AN ACT**

To amend and reenact R.S. 11:153, relative to consolidated public retirement systems; to provide with respect to provisions affecting more than one system; to authorize an employer of any member of a state or statewide public retirement system to purchase credit for regular or nonregular military service of a member; to provide for an effective date; and to provide for related matters.

Reported with amendments.

#### **HOUSE BILL NO. 311—**

BY REPRESENTATIVE SCHNEIDER

##### **AN ACT**

To amend and reenact R.S. 11:231(C), 403(introductory paragraph) and (5), 429, 441(A), 444(A)(1)(a), and 461(B), relative to benefits of the Louisiana State Employees' Retirement System; to provide for definitions; to provide for calculation of average compensation; to provide for calculation of benefits; to provide for eligibility to receive benefits; to provide relative to purchase of service credit to be used for benefit calculation; to provide for an effective date; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
D.A. "BUTCH" GAUTREAUX  
Chairman

#### **REPORT OF COMMITTEE ON**

#### **REVENUE AND FISCAL AFFAIRS**

Senator Mount, Chairman on behalf of the Committee on Revenue and Fiscal Affairs, submitted the following report:

May 16, 2005

To the President and Members of the Senate:

I am directed by your Committee on Revenue and Fiscal Affairs to submit the following report:

**SENATE CONCURRENT RESOLUTION NO. 26—**

BY SENATOR ADLEY

**A CONCURRENT RESOLUTION**

To direct the appropriate state agencies to take action to implement and enforce the law on delivery sales of cigarettes.

Reported favorably

**SENATE BILL NO. 173—**

BY SENATOR MICHOT

**AN ACT**

To amend and reenact R.S. 47:306.1 and 337.20, relative to the payment of state and local sales and use taxes by interstate and foreign transportation dealers; to revise the formula by which such dealers calculate and pay such taxes; to provide a means to withdraw from this optional program; to exclude certain purchases and importation from the formula; and to provide for related matters.

Reported with amendments.

**SENATE BILL NO. 336—**

BY SENATOR MALONE

**AN ACT**

To enact R.S. 47:337.10(J), relative to exemptions from sales and use tax levied by certain political subdivisions of the state; to provide an exemption from such tax for certain transactions related to certain inhibitors; and to provide for related matters.

Reported with amendments.

Respectfully submitted,  
WILLIE MOUNT  
Chairman

**REPORT OF COMMITTEE ON**

**AGRICULTURE, FORESTRY, AQUACULTURE  
AND RURAL DEVELOPMENT**

Senator Smith, Chairman on behalf of the Committee on Agriculture, Forestry, Aquaculture, and Rural Development, submitted the following report:

May 17, 2005

To the President and Members of the Senate:

I am directed by your Committee on Agriculture, Forestry, Aquaculture, and Rural Development to submit the following report:

**SENATE CONCURRENT RESOLUTION NO. 46—**

BY SENATOR ELLINGTON AND REPRESENTATIVE THOMPSON

**A CONCURRENT RESOLUTION**

To urge and request the Louisiana Broadband Advisory Council to convene a task force to develop a statewide E-Rate strategy to capture all possible E-Rate funds available to the state.

Reported favorably.

Respectfully submitted,  
MIKE SMITH  
Chairman

**REPORT OF COMMITTEE ON**

**JUDICIARY C**

Senator Chaisson, Chairman on behalf of the Committee on Judiciary C, submitted the following report:

May 17, 2005

To the President and Members of the Senate:

I am directed by your Committee on Judiciary C to submit the following report:

**SENATE BILL NO. 157—**

BY SENATOR CHAISSON

**AN ACT**

To amend and reenact R.S. 14:98(D)(1)(a), the introductory paragraph of R.S. 14:98(D)(1)(b), and (c) and (E)(1)(a), the introductory paragraph of R.S. 14:98(E)(1)(b), and (c) and (I), relative to operating a vehicle while intoxicated; to provide with respect to the criminal penalties for third, fourth, and subsequent offenses of operating a vehicle while intoxicated; to provide for the court's discretion in suspending a portion of the criminal sentence for third, fourth, and subsequent offenses; to provide for the court's discretion in ordering an offender to substance abuse treatment and home incarceration; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 5—**

BY REPRESENTATIVE BAUDINO

**AN ACT**

To amend and reenact R.S. 32:295.3(D), relative to leaving children unattended and unsupervised in motor vehicles; to provide for increased penalties; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 9—**

BY REPRESENTATIVE DANIEL

**AN ACT**

To enact R.S. 14:223.9, relative to crimes against property; to create the crime of unlawful operation of an audiovisual recording device; to provide for penalties; to provide for definitions; to provide for immunity from civil actions under certain circumstances; to provide for exceptions; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 13—**

BY REPRESENTATIVE MARTINY

**AN ACT**

To amend and reenact R.S. 14:223.3(1) and (3), relative to penalties for unauthorized sound reproductions; to reduce the threshold number of phonorecords or counterfeit labels involved for imposition of penalties for violations of the crimes of sound reproductions without consent, recording performances without consent, rental or sale of improperly labeled articles, and counterfeiting or possessing counterfeit labels; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 55—**

BY REPRESENTATIVE KLECKLEY

**AN ACT**

To amend and reenact R.S. 40:969(C), relative to violations of possession of Schedule IV controlled dangerous substances; to provide that a violation requires a person to knowingly and intentionally possess the controlled substance; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 106—**

BY REPRESENTATIVES JANE SMITH AND LAFLEUR

**AN ACT**

To amend and reenact Code of Criminal Procedure Articles 161(A)(introductory paragraph) and 163 and to enact Code of Criminal Procedure Article 163.1, relative to search warrants; to authorize the issuance of a search warrant to search a person for deoxyribonucleic acid (DNA) or other bodily samples; to provide for procedures for the execution of such warrants; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 127—**

BY REPRESENTATIVE FRITH

AN ACT

To enact R.S. 14:67.5, relative to theft; to create the crime of theft of crawfish; to define the offense; to provide for penalties; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 544—**

BY REPRESENTATIVES SCHNEIDER, STRAIN, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BARROW, BAUDOIN, BAYLOR, BEARD, BRUCE, BURNS, BURRELL, K. CARTER, CRAVINS, CROWE, CURTIS, DAMICO, DARTEZ, DOERGE, DOVE, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GLOVER, GREENE, E. GUILLORY, HAMMETT, HEBERT, HILL, HOPKINS, HUTTER, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LAFONTA, LANCASTER, MARCHAND, McDONALD, MORRELL, ODINET, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, RITCHIE, SALTER, SCALISE, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, ST. GERMAIN, THOMPSON, TOWNSEND, TRAHAN, TUCKER, WALKER, WALSWORTH, WHITE, WINSTON, WOOTON, AND WRIGHT

AN ACT

To enact R.S. 40:971.2, relative to the Uniform Controlled Dangerous Substances Law; to provide for the crime of unlawfully prescribing, distributing, dispensing, or assisting in illegally obtaining controlled dangerous substances; to provide for penalties; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 767—**

BY REPRESENTATIVE GLOVER

AN ACT

To enact R.S. 14:103.1(D) and (E), relative to the emanation of excessive sound or noise; to provide for the surrender of license plates upon conviction and court order; to authorize local governing authorities to adopt ordinances to provide for the regulation of the emanation of excessive sound or noise; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 768—**

BY REPRESENTATIVE PIERRE

AN ACT

To amend and reenact R.S. 14:327(A), (B), and (C), relative to obstructing a fireman; to provide for the definition of a fireman; to increase penalties for obstructing a fireman; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
JOEL T. CHAISSON II  
Chairman

**REPORT OF COMMITTEE ON**

**ENVIRONMENTAL QUALITY**

Senator Fontenot, Chairman on behalf of the Committee on Environmental Quality, submitted the following report:

May 17, 2005

To the President and Members of the Senate:

I am directed by your Committee on Environmental Quality to submit the following report:

**SENATE CONCURRENT RESOLUTION NO. 6—**

BY SENATOR SCHEDLER

A CONCURRENT RESOLUTION

To urge and request the Senate Committee on Environmental Quality and the House Committee on the Environment to meet and function as a joint committee to study and make recommendations regarding recycling and disposal options relative to computers and other electronic equipment.

Reported favorably.

**SENATE BILL NO. 188—**

BY SENATOR FONTENOT

AN ACT

To amend and reenact R.S. 30:2076.2(A)(3), (B)(3), (C)(1), and (D), relative to violations of the Louisiana Pollutant Discharge Elimination System; to authorize the costs of investigation and prosecution be included in the criminal penalties; to change such violations from a misdemeanor offense to a felony offense; and to provide for related matters.

Reported with amendments.

**HOUSE CONCURRENT RESOLUTION NO. 51—**

BY REPRESENTATIVE DAMICO

A CONCURRENT RESOLUTION

To urge and request the Department of Environmental Quality to develop a Louisiana mercury action plan with the goals of continual reduction in the use of mercury, continual reductions in releases of mercury to the environment, and minimization of human exposure to mercury.

Reported favorably.

**HOUSE BILL NO. 340—**

BY REPRESENTATIVE DAMICO

AN ACT

To amend and reenact R.S. 30:2011(C)(1)(b), (c), and (d) and 2019(D)(1)(b) and (4) and R.S. 36:236(B) and 238(C), (D), and (E), relative to the authority of the offices of environmental compliance, environmental services, and environmental assessment in the Department of Environmental Quality; to provide relative to licenses, registrations, exemptions, and certifications of radiation sources; to provide relative to laboratory services; to provide for the promulgation of rules and regulations; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
HEULETTE "CLO" FONTENOT  
Chairman

**REPORT OF COMMITTEE ON**

**JUDICIARY B**

Senator Marionneaux, Chairman on behalf of the Committee on Judiciary B, submitted the following report:

May 17, 2005

To the President and Members of the Senate:

I am directed by your Committee on Judiciary B to submit the following report:

**SENATE BILL NO. 172—**

BY SENATOR CRAVINS

AN ACT

To amend and reenact R.S. 27:392(B)(9) and to enact R.S. 27:392(B)(10), relative to the distribution of revenues derived under the Pari-mutuel Live Racing Facility Economic Redevelopment and Gaming Control Act; to provide for the distribution of such revenues to certain members and their

dependents of the Jockey Guild, Inc. For certain purposes; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 83—**  
BY REPRESENTATIVE KLECKLEY  
AN ACT

To enact R.S. 13:2079.1, relative to the office of the Ward Three marshal of the city court of Lake Charles; to provide for the uses of fees and costs collected in civil matters; to authorize the deposit of these fees and costs into a separate account; to authorize payment of a supplemental salary for deputy marshals from the salary of the marshal; to authorize payment for office expenses and other expenses useful to the conduct of the office; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 189—**  
BY REPRESENTATIVES E. GUILLORY AND MORRISH AND SENATOR THEUNISSEN  
AN ACT

To amend and reenact R.S. 27:93(A)(6), relative to fees levied on riverboats in Calcasieu Parish; to provide relative to the levying of admission fees; to authorize the local governing authority in Calcasieu Parish where riverboats are berthed to levy a fee based on monthly net gaming proceeds in lieu of admission fees; to provide for the allocation of funds derived from fees levied by the local governing authority; to authorize contracts for payment of a minimum annual fee and payments of additional amounts; to provide for cooperative endeavor agreements; to provide for legislative intent; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 570—**  
BY REPRESENTATIVES LAFONTA AND JEFFERSON  
AN ACT

To enact R.S. 29:41, relative to exposure to depleted uranium; to provide for definitions; to provide for screening of certain members of the armed forces of the United States; to provide for reports on training; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
ROBERT M. MARIONNEAUX, JR.,  
Chairman

**Senator McPherson in the Chair**

**Senate Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

**SENATE BILL NO. 47—**  
BY SENATOR BARHAM  
AN ACT

To amend and reenact R.S. 38:3087.212, relative to public contracts, works and improvements; to provide for the power of the Morehouse Parish Lake Commission to levy taxes, issue bonds, and incur indebtedness; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by the Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 47 by Senator Barham

**AMENDMENT NO. 1**

On page 2, between lines 16 and 17, insert the following:

**"C. Notwithstanding any other provision of law to the contrary, the commission shall have no right of expropriation over moveable or immovable property of any corporation created for the purpose of transmitting intelligence by telegraph or telephone."**

On motion of Senator Fields, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 71—**  
BY SENATOR ADLEY  
AN ACT

To enact R.S. 38:2212(A)(1)(d)(iii), relative to public contracts; to provide relative to certain contracts advertised and let by the Bossier Parish Police Jury; to increase the contract limit for certain contracts; to provide relative to certain restrictions; to authorize the contract limit to be adjusted annually to reflect inflation; to require the Bossier Parish Police Jury to publish the contract limit under certain circumstances; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 71 by Senator Adley

**AMENDMENT NO. 1**

On page 2, line 5, after "**one hundred**" change "**fifty**" to "**thirty**"

**AMENDMENT NO. 2**

On page 2, line 6, after "**Additionally,**" delete the remainder of the line and insert "**the police jury may adjust the contract limit provided for in this item**" and at the beginning of line 7, delete "**adjusted**"

**AMENDMENT NO. 3**

On page 2, line 10, after "**journal**" delete the remainder of the line and delete line 11, in its entirety and insert "**in February of each year.**"

On motion of Senator Fields, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 83—**  
BY SENATORS N. GAUTREAUX AND CRAVINS  
AN ACT

To enact Chapter 27-C of Title 33 of the Louisiana Revised Statute of 1950, to be comprised of R.S. 33:9039.40, relative to the public housing rehabilitation program for low income and elderly residents of the parishes of Acadia, Lafayette, St. Landry and Vermilion; and to create the Southwest Acadiana Parishes Public Housing Rehabilitation District; to provide relative to the purposes, governance, duties and authority of the commission; to authorize the commission to levy and collect any other taxes; to authorize the refund of local sales and use taxes, subject to the approval of district voters; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. On motion of Senator Fields, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 90—**  
BY SENATORS NEVERS AND SCHEDLER  
AN ACT

To enact Subpart B-35 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:130.701 through 709, relative to special districts; to create

the Tangipahoa Parish Economic Development District; to provide for a board of commissioners of the district and for the district's powers, duties, and limitations; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 90 by Senator Nevers

**AMENDMENT NO. 1**

On page 1, line 3, after "through" insert "130."

**AMENDMENT NO. 2**

On page 1, line 10, after "through" insert "130."

On motion of Senator Fields, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 95—**

BY SENATOR KOSTELKA

**AN ACT**

To enact R.S. 23:1472(12)(H)(XXII), R.S. 23:1472(20)(C)(VI), R.S. 23:1600(6)(d) and R.S. 23:1601(11), relative to unemployment compensation; to provide with respect to the exclusion of inmates in custodial or penal institutions from the receipt of unemployment benefits during periods of incarceration; and to provide for related matters.

Reported with amendments by the Committee on Labor and Industrial Relations.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Labor and Industrial Relations to Original Senate Bill No. 95 by Senator Kostelka

**AMENDMENT NO. 1**

On page 1, line 2, delete "R.S. 23:1472 (12)(H)(XXII), R.S. 23:1472 (20)(C)(VI), R.S. 23:1600(6)(d) and"

**AMENDMENT NO. 2**

On page 1, line 3, after "(11)", delete ","

**AMENDMENT NO. 3**

On page 1, line 8, delete "1472 (12)(H)(XXII), R.S. 23:1472 (20)(C)(VI), R.S. 23:1600(6)(d) and"

**AMENDMENT NO. 4**

On page 1, line 9, change "and are" to "is"

**AMENDMENT NO. 5**

On page 1, delete lines 10 through 17 in their entirety.

**AMENDMENT NO. 6**

On page 2, delete lines 1 through 27 in their entirety.

**AMENDMENT NO. 7**

On page 3, delete lines 2 and 3 in their entirety and in lieu thereof insert the following:

**(11) If the administrator finds that he has not, subsequent to participating in a work release program for inmates in custodial or penal institutions, worked and earned wages for insured work.**

On motion of Senator Nevers, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 132—**

BY SENATOR MCPHERSON

**AN ACT**

To enact Part XIV of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:366.1 through 366.3, 366.5, and 366.9, relative to providing for accountability for state resources that are obligated, dedicated, or otherwise are committed to or are necessary to the confection of agreements with private persons relative to the interests of the state; to provide purposes and definition; to provide for the powers and duties of the commissioner of administration; to provide for the powers and duties of the attorney general; to provide for the powers and duties of the Joint Legislative Committee on the Budget and its litigation subcommittee; to authorize executive sessions under certain circumstances; and to provide for related matters.

Reported with amendments by the Committee on Finance.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 132 by Senator McPherson

**AMENDMENT NO. 1**

On page 2, at the end of line 28, after "interest" insert the following: ", but shall not include projects contained in the comprehensive state capital outlay budget, projects pursuant to the Governor's Economic Development Rapid Response Program, and coastal restoration projects administered by the Department of Natural Resources"

**AMENDMENT NO. 2**

On page 3, delete line 24, and insert "the commissioner of administration shall be"

**AMENDMENT NO. 3**

On page 3, line 25, after "agreement" delete the remainder of the line and at the beginning of line 26, delete "a point" and insert "When the commissioner has determined that the parties are"

**AMENDMENT NO. 4**

On page 3, delete lines 28 and 29, and insert "explained to the Joint Legislative Committee on the Budget, the commissioner shall instruct the state agency to inform the committee of the proposed agreement not less than thirty calendar days prior to the next regular meeting of the Joint Legislative Committee on the Budget. The Joint Legislative Committee on the"

**AMENDMENT NO. 5**

On page 4, line 2, after "agreement." insert "No agreement shall be officially confected prior to the expiration of the time within which the Joint Legislative Committee on the Budget may hold a hearing."

**AMENDMENT NO. 6**

On page 4, line 3, after "session" delete the remainder of the line and insert "pursuant to the procedures and requirements"

**AMENDMENT NO. 7**

On page 4, line 4, delete "and subject to the provisions"

**AMENDMENT NO. 8**

On page 4, at the beginning of line 11, after "the" insert "commissioner and the"

**AMENDMENT NO. 9**

On page 5, line 20, change "as provided for and subject to the provisions" to "pursuant to the procedures and requirements"

**AMENDMENT NO. 10**

On page 6, on line 2, after "C." insert "(1)"

**AMENDMENT NO. 11**

On page 6, between lines 11 and 12, insert the following:

"(2) This Subsection shall not be interpreted to require the disclosure of the names or other identifying personal information of individual donors who make contributions to nonprofit corporations which support public institutions of postsecondary education as provided in R.S.17: 3390 or the names or other identifying personal information of individual consumers of services or products which may form a portion of the revenue generated or expended. The receipt, use, or expenditure of such amounts may be recorded in the books and records and, if so recorded, shall be reported and be publically available in globo."

## AMENDMENT NO. 12

On page 6, delete lines 22 through 24, and insert the following:

"(b) On a quarterly basis, each state agency shall report to the attorney general the status of any pending litigation and any pending claim made against the state which may result in a litigation settlement the cost of which is reasonably expected to exceed one million dollars, and any steps being taken or recommended with regard to any such litigation or claim."

## AMENDMENT NO. 13

On page 6, line 29, after "pursuant to" insert "the procedures and requirements of"

## AMENDMENT NO. 14

On page 7, line 6, after "information," delete the remainder of the line and delete lines 7 and 8

## AMENDMENT NO. 15

On page 7, after line 23, insert:

"Section 2. This Act shall become effective January 1, 2006."

On motion of Senator Heitmeier, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

## SENATE BILL NO. 140—

BY SENATOR FIELDS

## AN ACT

To enact R.S. 17:1686 and 1686.1, relative to scholarships for military personnel as a result of service in certain theaters of military operation; to provide for definitions; to provide for scholarship requirements; and to provide for related matters.

Reported with amendments by the Committee on Education.

## SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 140 by Senator Fields

## AMENDMENT NO. 1

On page 1, line 10, delete "including those who served"

## AMENDMENT NO. 2

On page 1, line 16, delete "a citizen of" and insert "domiciled in"

## AMENDMENT NO. 3

On page 1, line 17, after "Louisiana" insert "for civilian purposes and named Louisiana a Home of Residence (HOR) for military purposes"

## AMENDMENT NO. 4

On page 2, line 4, delete "the state" and insert "Louisiana"

## AMENDMENT NO. 5

On page 2, line 9, after "to obtain a" insert "baccalaureate or other undergraduate"

## AMENDMENT NO. 6

On page 2, line 13, after "B" insert "(1)" and delete lines 14 and 15 and insert "unless the student can demonstrate that he does not qualify for federal grant aid."

## AMENDMENT NO. 7

On page 2, after line 15, insert the following:

"(2) Additionally, if a student is receiving other financial assistance that, when combined with a tuition waiver under this Section, exceeds the "cost of attendance" as determined for that student in accordance with regulations governing the award of federal student aid under Title IV of the Higher Education Act of 1965, as amended, the amount of the waiver shall be reduced by the amount of such excess."

On motion of Senator Ullo, the committee amendment was adopted. The amended bill was read by title, ordered engrossed and recommitted to the Committee on Revenue and Fiscal Affairs.

## SENATE BILL NO. 158—

BY SENATORS DARDENNE AND MURRAY

## AN ACT

To enact R.S. 17:226.1 and Chapter 32 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2131 through 2135, relative to employment of minors; to provide for employment of minors providing artistic or creative services; to provide for placement of certain monies received as compensation in trust accounts; to provide for creation of such accounts and for the use of monies deposited in such accounts; to provide for educational instruction of minors engaged in providing artistic or creative services; and to provide for related matters.

Reported with amendments by the Committee on Labor and Industrial Relations.

## SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Labor and Industrial Relations to Original Senate Bill No. 158 by Senator Dardenne

## AMENDMENT NO. 1

On page 2, line 18, after "production" and before the period "." insert "or commercial production".

## AMENDMENT NO. 2

On page 4, line 9, after "contract" and before "subject" insert "or employment arrangement agreed to by the parties"

## AMENDMENT NO. 3

On page 4, at the end of line 12 and at the beginning of line 13, delete "consecutive school days," and insert "days within a thirty day period."

## AMENDMENT NO. 4

On page 4, line 13 and continuing on line 14, after "certified teacher", delete "or teacher qualified as a substitute teacher in this state or from the minor's school"

## AMENDMENT NO. 5

On page 4, line 17, after "minor's school," insert "There must be a teacher to student ratio of one teacher for every ten students."

On motion of Senator Nevers, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

## SENATE BILL NO. 207—

BY SENATOR LENTINI

## AN ACT

To amend and reenact R.S. 48:756(A)(2), to enact R.S. 48:390.1, 753(A)(7) and 755(D) and to repeal R.S. 48:390(D), relative to railroads; to provide relative to railroad grade crossings; to provide relative to such crossings which are located on roads not maintained by the state; to authorize the Department of Transportation and Development to evaluate such crossings; to provide relative to railroad grade crossing closures on such roads determined to be necessary by the Department of Transportation and Development; to require the use of Parish Transportation Fund money to upgrade such crossings when a parish or municipality opposes such closing; to prohibit the use

of such funds for other uses until such upgrades are complete; to provide relative to insufficient funds for certain projects; and to provide for related matters.

Reported by substitute by the Committee on Transportation, Highways and Public Works. The bill was read by title; the committee substitute bill was read.

**SENATE BILL NO.** (Substitute of Senate Bill No. 207 by Senator Lentini)

AN ACT

To amend and reenact R.S. 48:390(A) and 756(A)(2), to enact R.S. 48:390.1 and 755(D), and to repeal R.S. 48:390(C) and (D), relative to railroads; to provide relative to railroad grade crossings; to provide relative to such crossings which are located on roads not maintained by the state; to authorize the Department of Transportation and Development to evaluate such crossings; to provide relative to railroad grade crossing closures on such roads determined to be necessary by the department; to prohibit the use of such funds for other uses until such closures are complete; to provide relative to eligibility for Transportation Enhancement Funds and Off-System Bridge Funds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:390(A) and 756(A)(2) are hereby amended and reenacted and R.S. 48:390.1 and 755(D) are hereby enacted to read as follows:

§390. Railroad grade crossing improvement and elimination

A. No later than March 1, 1999, the secretary shall complete a study to establish priorities for railroad grade crossing improvements and closures in compliance with federal guidelines and shall develop a prioritized plan for implementing railroad grade crossing improvements and closures pursuant to 23 U.S.C. §130, known as the Federal Railroad Crossing Safety Program. The priority list shall be annually revised to reflect any changes made under the provisions of this Section.

§390.1. Railroad grade crossing elimination; parish and municipal roads; use of Parish Transportation Fund, Transportation Enhancement and Off-System Bridge Program Funds

A. The department is authorized to investigate the need to change the location of or close any public railroad grade crossing within the territorial jurisdiction of any local governing authority in compliance with federal guidelines pursuant to 23 U.S.C. §130, known as the Federal Railroad Crossing Safety Program.

B.(1) Notwithstanding any other provision of any law to the contrary, any local governing authority which fails to close a grade crossing on a non-state maintained road within its territorial jurisdiction after it has been determined by the department to be necessary for the safety of the public shall not receive monies appropriated to the parish from the Parish Transportation Fund as provided by Part VII of Chapter 2 of Title 48 of the Louisiana Revised Statutes of 1950 until said crossing is closed. No monies for additional projects authorized under such Part shall be authorized for expenditure from such appropriation until such crossing is closed.

(2) If a crossing which is determined to be in need of closing is located on a road which is maintained by a municipality within the parish, the parish shall not allocate any Parish Transportation Fund monies for the repair, maintenance, and care of roads, streets, alleys, bridges, and culverts and other drainage facilities situated within and under the jurisdiction of such municipality until the crossing is closed.

C. Notwithstanding any other provision of law, rule or regulation to the contrary, a parish or municipal governing authority, which fails to close a grade crossing on a non-state maintained road within its territorial jurisdiction after it has been determined by the department to be necessary for the safety of the public, shall not be eligible to participate in the Transportation Enhancement and Off-System Bridge Replacement Programs administered by the department until such grade crossing is closed pursuant to Paragraph (B)(1) or (B)(2) of this Section.

D. Notwithstanding any other law to the contrary, no provision of R.S. 48:390, this Section, or any action taken by the department pursuant to 23 U.S.C. §130 shall impose liability of any nature upon the State of Louisiana or any agency or department thereof.

E. Nothing in this Section shall be construed as amending, repealing or modifying any duty or responsibility that a local governing authority or a railroad had, if any, immediately before August 15, 2005, with regard to any applicable state or federal law.

\* \* \*

§755. System of administration

\* \* \*

D. (A)(1) Notwithstanding any provision of this Part or any other law to the contrary, when the department has determined that closure of a grade crossing on a non-state maintained road within the territorial jurisdiction of a local governing authority is necessary for the safety of the public, the local governing authority shall undertake to close such crossing.

(2) If a crossing which is determined to be in need of closing is located on a road which is maintained by a municipality within the parish, the parish shall not allocate any Parish Transportation Fund monies for the repair, maintenance, and care of roads, streets, alleys, bridges, and culverts and other drainage facilities situated within and under the jurisdiction of such municipality until the crossing is closed.

§756. Distribution formula

A. \* \* \*

(2) Notwithstanding any other provision of this Part or any other law to the contrary, except the provisions contained in R.S. 48:761, no parish shall receive less than it received in the Fiscal Year 1972-1973. The funds provided hereunder shall be distributed to the parishes by the state treasurer in the amount of one-twelfth of their total entitlement in each calendar month of the fiscal year, unless the either of the following occurs:

(a) The Legislative Audit Advisory Council notifies the state treasurer, by written resolution, to suspend the distribution of funds to any parish found to be in noncompliance with the statutory provisions comprising the Parish Transportation Fund.

(b) The secretary of the Department of Transportation and Development notifies the state treasurer in writing to suspend the distribution of funds to any parish found to be in noncompliance with R.S. 48:390.1.

\* \* \*

Section 2. R.S. 48:390(C) and (D) are hereby repealed.

On motion of Senator Ellington, the committee substitute bill was adopted and becomes Senate Bill No. 353 by Senator Lentini, substitute for Senate Bill No. 207 by Senator Lentini.

**SENATE BILL NO. 353** (Substitute of Senate Bill No. 207 by Senator Lentini)—

BY SENATOR LENTINI

AN ACT

To amend and reenact R.S. 48:390(A) and 756(A)(2), to enact R.S. 48:390.1 and 755(D), and to repeal R.S. 48:390(C) and (D), relative to railroads; to provide relative to railroad grade crossings; to provide relative to such crossings which are located on roads not maintained by the state; to authorize the Department of Transportation and Development to evaluate such crossings; to provide relative to railroad grade crossing closures on such roads determined to be necessary by the department; to prohibit the use of such funds for other uses until such closures are complete; to provide relative to eligibility for Transportation Enhancement Funds and Off-System Bridge Funds; and to provide for related matters.

The bill was read by title; lies over under the rules.

**SENATE BILL NO. 208—**

BY SENATOR HEITMEIER

AN ACT

To amend and reenact R.S. 32:304, relative to motor vehicles; to clarify certain requirements with respect to tail lamps on vehicles; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 211—**  
BY SENATOR DUPLESSIS

AN ACT

To amend and reenact R.S. 32:429(A), relative to service and transaction fees levied by local governments to fund office of motor vehicles field offices; to increase the maximum fee allowed per service or transaction; and to provide for related matters.

Reported favorably by the Committee on Transportation, Highways and Public Works. On motion of Senator Ellington, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 215—**  
BY SENATOR BARHAM

AN ACT

To enact Chapter 5-N of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:380.111 through 380.116, and R.S. 36:744(Y) and 801.18, to create the Aviation and Military Museum of Louisiana, Inc., in the Department of State; to provide relative to the governing authority of the museum including its composition, powers, duties, responsibilities, meetings, and officers; to provide for the adoption of rules and regulations and fees; to provide for receipt and use of funds and property; to provide relative to the authority of the secretary of state with respect to the museum; to provide relative to personnel and budgets of the museum; and to provide for related matters.

Reported with amendments by the Committee on Education.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 215 by Senator Barham

**AMENDMENT NO. 1**

On page 2, delete lines 14 through 20 and insert the following:

**"C. The board shall be comprised as follows:**

**(1) Eight members shall be appointed by the secretary of state and seven member shall be elected by the Friends of the Aviation and Military Museum.**

**(2) All members shall serve four-year terms concurrent with the governor.**

**(3) Each member shall serve until his successor is appointed and qualified to take office.**

**(4) Each appointment shall be subject to confirmation by the Senate."**

**AMENDMENT NO. 2**

On page 4, line 6, change "shall" to "may"

**AMENDMENT NO. 3**

On page 4, line 8, after "Inc." delete the remainder of the line and delete lines 9 and 10

On motion of Senator Ullo, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 241—**

BY SENATOR ELLINGTON AND REPRESENTATIVE MCVEA

AN ACT

To enact Chapter 44 of Title 34 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 34:3281 through 3286, relative to ports; to create the West Feliciana Parish Port Commission; to provide for the duties and powers of the commission; to provide for the authority to levy taxes and issue bonds; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 241 by Senator Ellington

**AMENDMENT NO. 1**

On page 1, line 10, after "FELICIANA" insert "PARISH"

**AMENDMENT NO. 2**

On page 2, line 12, after "Four" insert "members shall be appointed"

**AMENDMENT NO. 3**

On page 2, line 14, after "One" delete the remainder of the line and on line 15, delete "names" and insert in lieu thereof "member shall be appointed by the parish governing authority from a single nomination"

**AMENDMENT NO. 4**

On page 2, line 16, after "One" delete the remainder of the line and delete line 17 and insert in lieu thereof "member shall be appointed by the parish governing authority nominated by a majority vote of the president of the West Feliciana Parish School Board, the sheriff of West Feliciana Parish, and the assessor of West Feliciana Parish."

**AMENDMENT NO. 5**

On page 2, line 18, after "Three" delete the remainder of the line and delete line 19 and insert in lieu thereof "members shall be appointed by a panel consisting of the state legislative delegation representing the parish of West Feliciana. The legislative appointments"

**AMENDMENT NO. 6**

On page 2, line 20, after "shall" change "be made up" to "consist"

**AMENDMENT NO. 7**

On page 2, delete lines 22 through 28 and insert the following:

**"(3) The commissioners appointed pursuant to Subparagraphs (2)(b) and (c) and one of the commissioners appointed pursuant to Subparagraph (2)(a) as determined by the parish governing authority shall serve an initial term of two years. The remaining commissioners appointed pursuant to Subparagraph (2)(a) shall serve an initial term of four years. Any other commissioner appointed pursuant to Paragraph (2) shall serve an initial term of six years. Thereafter, the successors to"**

**AMENDMENT NO. 8**

On page 3, delete lines 11 through 22 and insert in lieu thereof the following:

**"C. Any member of the commission may be removed therefrom by a vote of two-thirds of the membership of the parish governing authority, subject to approval of the nominating entity. The parish governing authority shall give the member and the nominating entity thirty days written notice of its intention to act upon his removal. If the nominating entity approves the removal or does not respond within thirty days of such notice, the parish governing authority may remove the member. The requirement for approval of the nominating entity shall not apply to members appointed pursuant to Subparagraph (A)(2)(a) of this Section."**

**AMENDMENT NO. 9**

On page 4, line 28, after "office" insert "in the parish of West Feliciana"

**AMENDMENT NO. 10**

On page 7, delete lines 9 and 10 and insert in lieu thereof "right to expropriate minerals or mineral rights. Should the properties"

### AMENDMENT NO. 11

On page 7, line 20, delete "**expropriation**."

### AMENDMENT NO. 12

On page 9, delete lines 1 through 5

### AMENDMENT NO. 13

On page 9, at the beginning of line 6, delete "**(22) Levy**" and insert the following:

**"(21) Subject to approval of the West Feliciana Parish governing authority, levy"**

### AMENDMENT NO. 14

On page 9, line 13, change "**(23)**" to "**(22)**"

### AMENDMENT NO. 15

On page 9, line 21, change "**(24)**" to "**(23)**"

### AMENDMENT NO. 16

On page 10, line 3, change "**(25)**" to "**(24)**"

### AMENDMENT NO. 17

On page 10, line 7, change "**(26)**" to "**(25)**"

### AMENDMENT NO. 18

On page 10, line 11, change "**(27)**" to "**(26)**"

### AMENDMENT NO. 19

On page 10, line 16, change "**(28)**" to "**(27)**"

### AMENDMENT NO. 20

On page 10, line 19, change "**(29)**" to "**(28)**"

### AMENDMENT NO. 21

On page 10, line 21, change "**(30)**" to "**(29)**"

### AMENDMENT NO. 22

On page 10, line 26, change "**(31)**" to "**(30)**"

### AMENDMENT NO. 23

On page 11, delete lines 3 through 20

### AMENDMENT NO. 24

On page 11, line 21, change "**B.**" to "**A.**"

### AMENDMENT NO. 25

On page 12, line 9, change "**C.**" to "**B.**"

### AMENDMENT NO. 26

On page 13, line 3, change "**D.**" to "**C.**"

### AMENDMENT NO. 27

On page 13, line 8, change "**E.**" to "**D.**"

### AMENDMENT NO. 28

On page 13, line 14, change "**F.**" to "**E.**"

### AMENDMENT NO. 29

On page 13, line 24, change "**G.**" to "**F.**"

### AMENDMENT NO. 30

On page 14, line 8, change "**H.**" to "**G.**"

### AMENDMENT NO. 31

On page 14, line 12, change "**I.**" to "**H.**"

### AMENDMENT NO. 32

On page 14, line 18, change "**J.**" to "**I.**"

### AMENDMENT NO. 33

On page 14, line 24, change "**K.**" to "**J.**"

### AMENDMENT NO. 34

On page 15, line 1, change "**L.**" to "**K.**"

### AMENDMENT NO. 35

On page 15, line 8, change "**M.**" to "**L.**"

### AMENDMENT NO. 36

On page 15, line 12, change "**N.**" to "**M.**"

### AMENDMENT NO. 37

On page 15, line 23, change "**O.**" to "**N.**"

### AMENDMENT NO. 38

On page 16, line 1, change "**P.**" to "**O.**"

### AMENDMENT NO. 39

On page 16, line 7, change "**Q.**" to "**P.**"

### AMENDMENT NO. 40

On page 16, delete line 18

### AMENDMENT NO. 41

On page 16, line 19, change "Section 4." to "Section 3."

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

### **SENATE BILL NO. 256—**

BY SENATOR MOUNT

#### AN ACT

To enact R.S. 17:1686 and 1686.1, relative to scholarships for children of military personnel killed as a result of duty in certain theaters of military operation; to provide for definitions; and to provide for related matters.

Reported with amendments by the Committee on Education.

#### **SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Education to Original Senate Bill No. 256 by Senator Mount

### AMENDMENT NO. 1

On page 1, line 16, delete "**a citizen of**" and insert "**domiciled in**"

### AMENDMENT NO. 2

On page line 17, after "**Louisiana**" insert "**for civilian purposes and named Louisiana**  
**a Home of Residence (HOR) for military purposes**"

### AMENDMENT NO. 3

On page 2, line 19, delete "**the state**" and insert "**Louisiana**"

### AMENDMENT NO. 4

On page 2, line 24, after "**obtain a**" insert "**baccalaureate or other undergraduate**"

### AMENDMENT NO. 5

On page 3, delete lines 1 through 4, and insert the following:

**"B (1) No benefits shall be granted under the provisions of this Section unless the student can demonstrate that they do not qualify for federal grant aid.**

**(2) Additionally, if a student is receiving other financial assistance that, when combined with the tuition waiver granted under this Section, exceeds the "cost of attendance" as determined for that student in accordance with regulations governing the award of federal student aid under Title IV of the Higher Education Act of 1965, as amended, the amount of the waiver shall be reduced by the amount of such excess."**

On motion of Senator Ullo, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 260—**  
BY SENATOR MALONE

AN ACT

To enact R.S. 33:4548.17, relative to the Louisiana Local Government Environmental Facilities and Community Development Authority; to provide for voter approval of certain bonds; to provide for enforcement actions, jurisdiction, and remedies; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. On motion of Senator Fields, the bill was read by title, ordered engrossed, and passed to a third reading.

**SENATE BILL NO. 286—**  
BY SENATOR DARDENNE

AN ACT

To enact R.S. 39:1490.1, relative to expenditure of public monies under certain circumstances; to require review of certain occupancy leases of immovables and cooperative endeavor agreements by the office of contractual review; to require approval by each house of the legislature of such agreements; and to provide for related matters.

Reported with amendments by the Committee on Finance.

**SENATE COMMITTEE AMENDMENTS**

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 286 by Senator Dardenne

**AMENDMENT NO. 1**

On page 1, line 2, after "39:1490.1" and before the comma ",", insert "and 1644.1"

**AMENDMENT NO. 2**

On page 1, line 8, change "is" to "and 1644.1 are"

**AMENDMENT NO. 3**

On page 1, at the end of line 12, after "agreement" insert a comma ", "

**AMENDMENT NO. 4**

On page 1, delete lines 13 through 17 and insert the following:  
"as defined in Subsection C of this Section, with the exception of projects contained in the comprehensive state capital outlay budget or coastal restoration projects administered by the Department of Natural Resources, which involves the expenditure of funds in excess of one million dollars, but not more than five million dollars, shall be reviewed and approved by the division of administration. Additionally, the division of administration shall report to the Joint Legislative Committee on the Budget each quarter on such agreements.

(2) Every cooperative endeavor agreement, as defined in Subsection C of this Section, with the exception of projects contained in the comprehensive state capital outlay budget or coastal restoration projects administered by the Department of Natural Resources, which involves the expenditure of funds in excess of five million dollars shall be reviewed and approved by the division of administration and submitted to the Joint Legislative Committee on the Budget for review and approval."

**AMENDMENT NO. 5**

On page 2, delete lines 1 through 23 and insert the following:

"(3) No cooperative endeavor agreement, as defined in Subsection C of this Section, with the exception of projects contained in the comprehensive state capital outlay budget or coastal restoration projects administered by the Department of Natural Resources, shall be approved by the State Bond Commission for which any debt service payment or monetary obligation shall be made unless either of the following conditions is met:

(a) The legislature has provided an appropriation for such debt service payment or monetary obligation in the current fiscal year.

(b) The cooperative endeavor agreement is approved by the Joint Legislative Committee on the Budget after examining and establishing the availability of funds for the term of the agreement."

**AMENDMENT NO. 6**

On page 2, at the beginning of line 24, change "C." to "B."

**AMENDMENT NO. 7**

On page 2, after line 26, insert the following:

"C. For the purposes of this Section, cooperative endeavor agreement shall mean any contract or agreement by which the state or any of its agencies as defined in R.S. 39:2 may engage in a cooperative endeavor with each other, with any of the state's political corporations or political subdivisions, with the United States or its agencies, or with any public or private association, corporation, or individual, as provided for in Article VII, Section 14(C) of the Constitution of Louisiana.

**§1644.1 Fiscal controls**

A. Notwithstanding any other provision of law to the contrary authorizing the state or its agencies as defined in R.S. 39:2 to enter into contracts or agreements for the lease or rental of space or facilities, with the exception of projects contained in the comprehensive state capital outlay budget or coastal restoration projects administered by the Department of Natural Resources, any contract or agreement for the lease or rental of space or facilities which is in excess of one million dollars, but not more than five million dollars, shall be reviewed and approved by the division of administration. Additionally, the division of administration shall report to the Joint Legislative Committee on the Budget each quarter on such contracts or agreements.

B. Every contract or agreement for the lease or rental of space or facilities, with the exception of projects contained in the comprehensive state capital outlay budget or coastal restoration projects administered by the Department of Natural Resources, which is in excess of five million dollars shall be reviewed and approved by the division of administration and submitted to the Joint Legislative Committee on the Budget for review and approval.

C. With the exception of projects contained in the comprehensive state capital outlay budget or coastal restoration projects administered by the Department of Natural Resources, no contract or agreement for the lease or rental of space or facilities for which any debt service payment or monetary obligation may be made, shall be approved by the State Bond Commission unless either of the following conditions is met:

(1) The legislature has provided an appropriation for such debt service payment or monetary obligation in the current fiscal year.

(2) The contract or agreement for the lease or rental of space or facilities is approved by the Joint Legislative Committee on the Budget after examining and establishing the availability of funds for the term of that lease or contract."

On motion of Senator Heitmeier, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 330—**

BY SENATOR N. GAUTREAUX

AN ACT

To enact R.S. 33:423.15, relative to the city of Carencro; to provide for disciplinary action by the chief of police; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. On motion of Senator Fields, the bill was read by title, ordered engrossed, and passed to a third reading.

# Page 18 SENATE

May 17, 2005

## SENATE BILL NO. 332—

BY SENATOR N. GAUTREAUX

### AN ACT

To enact R.S. 33:3812(G), relative to waterworks districts; to increase the membership of the board of commissioners of the Southeast Waterworks District No. 2 of Vermilion Parish; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

## SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 332 by Senator N. Gautreaux

### AMENDMENT NO. 1

On page 1, delete lines 10 through 15 in their entirety and insert the following:

**"G. The membership of the board of commissioners of Southeast Waterworks District No. 2 of Vermilion Parish is increased from five to six. The additional member shall be appointed by the governing authority of Vermilion Parish to serve at its pleasure. Except to the extent of any conflict with this Subsection, the provisions of this Chapter shall apply to the additional member and his successors."**

On motion of Senator Fields, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

## SENATE BILL NO. 333—

BY SENATORS MALONE, ADLEY AND CHEEK AND REPRESENTATIVES MONTGOMERY, M. POWELL, JANE SMITH AND WADDELL

### AN ACT

To amend and reenact R.S. 34:3158(A) and to enact R.S. 34:3158(D), relative to the Caddo-Bossier Parishes Port Commission; to provide relative to the composition, membership, powers, and duties of the port commission; and to provide for related matters.

Reported with amendments by the Committee on Transportation, Highways and Public Works.

## SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 333 by Senator Malone

### AMENDMENT NO. 1

On page 1, line 16, after "serve" change "for" to "a term of"

### AMENDMENT NO. 2

On page 2, line 1, after "serve" change "for" to "a term of"

### AMENDMENT NO. 3

On page 2, line 6, change "One commissioner" to "Three commissioners"

### AMENDMENT NO. 4

On page 2, line 7, change "two nominees" to "nominations" and change "Senator" to "senator"

### AMENDMENT NO. 5

On page 2, line 8, after "39" and before the period "." insert: "consisting of two nominees per district, respectively, such nominees to be submitted to the mayor seventy-five days before the expiration of the term of the commissioner being replaced"

### AMENDMENT NO. 6

On page 2, delete lines 12 through 14 and insert in lieu thereof the following:

# 14th DAY'S PROCEEDINGS

**"(b) Any commissioner appointed pursuant to this Paragraph shall serve a term of six years, except for an initial term as follows:"**

### AMENDMENT NO. 7

On page 2, line 23, change "One commissioner" to "Two commissioners"

### AMENDMENT NO. 8

On page 2 line 24, change "two nominees" to "nominations" and change "Senator" to "senator"

### AMENDMENT NO. 9

On page 2, line 25, after "37" and before the period "." insert: "consisting of two nominees per district, respectively, such nominees to be submitted to the mayor seventy-five days before the expiration of the term of the commissioner being replaced"

### AMENDMENT NO. 10

On page 2, delete line 29, and on page 3, delete lines 1 and 2 and insert as follows:

**"(b) Any commissioner appointed pursuant to this Paragraph shall serve a term of six years, except for an initial term as follows:"**

On motion of Senator Ellington, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

## SENATE BILL NO. 343—

BY SENATOR FONTENOT

### AN ACT

To enact Part IX of Chapter 6 of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:3071 through 3075, relative to government within East Baton Rouge Parish; to provide for the continued collection of tax revenue to fund essential public services within Central City; to authorize the parish to continue collection of a previously approved two percent sales and use tax and to continue providing essential public services within the corporate limits of Central City pursuant to intergovernmental agreement; to create a Central City Transition District as a taxing district to provide monies for essential public services within the municipality; to provide for the board of directors of the district; to provide for the duties, powers, and responsibilities of the district; to authorize the district to levy and collect a sales and use tax not to exceed two percent; to provide time limits for the continuation of such taxes; to authorize contracts, intergovernmental agreements, and cooperative endeavors; and to provide for related matters.

Reported with amendments by the Committee on Local and Municipal Affairs.

## SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Local and Municipal Affairs to Original Senate Bill No. 343 by Senator Fontenot

### AMENDMENT NO. 1

On page 3, at the end of line 1, delete "approved by"

### AMENDMENT NO. 2

On page 3, delete lines 2 and 3, and insert "levied in the unincorporated areas of the parish."

### AMENDMENT NO. 3

On page 6, line 10, delete "ordinance adopted by"

### AMENDMENT NO. 4

On page 6, line 19, delete "in the ordinance levying the tax" and insert "by the district"

### AMENDMENT NO. 5

On page 6, line 26, after "The district" delete the remainder of the line and insert "shall contract with the parish"

AMENDMENT NO. 6

On page 6, line 27, delete "the municipality or parish."

On motion of Senator Fields, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

**SENATE BILL NO. 348—**

BY SENATOR CRAVINS

AN ACT

To enact R.S. 33:2740.39, relative to special districts; to create the Opelousas Downtown Development District; to provide for the purpose and governance of the district; to provide for its rights, powers, and duties, including the authority to tax, subject to the approval of the district voters; to provide for the boundaries of the district; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Local and Municipal Affairs. On motion of Senator Fields, the bill was read by title, ordered engrossed, and passed to a third reading.

**House Bills and Joint Resolutions  
on Second Reading  
Reported by Committees**

The following House Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

**HOUSE BILL NO. 64—**

BY REPRESENTATIVE DOERGE

AN ACT

To amend and reenact R.S. 25:151(B)(1) and (C) and to enact R.S. 25:151(B)(3), relative to the Webster Parish Library; to provide relative to the disposition of surplus library books; to authorize the library, subject to the approval of its governing board, to sell such books; to provide relative to the disposition of proceeds collected from such sales; to provide relative to the location of such sales; and to provide for related matters.

Reported favorably by the Committee on Education. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 364—**

BY REPRESENTATIVE HAMMETT

AN ACT

To enact R.S. 25:215(B)(15), relative to the Concordia Parish Library; to transfer the administration of and accounting functions for funds of the library from the Concordia Parish Police Jury to the Concordia Parish Library Board of Control; to provide relative to the responsibilities of the police jury with respect to the library; and to provide for related matters.

Reported favorably by the Committee on Education. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 396—**

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 25:380.52(C)(2), relative to the Louisiana Delta Music Museum; to increase the membership of the governing board of the museum; and to provide for related matters.

Reported favorably by the Committee on Education. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**HOUSE BILL NO. 541—**

BY REPRESENTATIVE DARTEZ

AN ACT

To amend and reenact R.S. 9:1515(A), relative to the employer's payment of deceased employees' last wages to the surviving spouse or children of the deceased; to delete the limitation on the amount paid by the employer; to provide for an effective date; and to provide for related matters.

Reported favorably by the Committee on Labor and Industrial Relations. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

**Rules Suspended**

Senator Adley asked for and obtained a suspension of the rules for the purpose of recalling House Bill No. 174 from the Committee on Local and Municipal Affairs.

**HOUSE BILL NO. 174—**

BY REPRESENTATIVE MONTGOMERY

AN ACT

To enact R.S. 38:2212(A)(1)(d)(iii), relative to public contracts; to provide relative to certain contracts advertised and let by the Bossier Parish Police Jury; to increase the contract limit for certain contracts; to provide relative to certain restrictions; to authorize the contract limit to be adjusted annually to reflect inflation; to require the Bossier Parish Police Jury to publish the contract limit under certain circumstances; and to provide for related matters.

On motion of Senator Bajoie, the bill which is a duplicate of Senate Bill No. 71, was read by title and lies over under the rules.

**Rules Suspended**

Senator Cravins asked for and obtained a suspension of the rules for the purpose of recalling House Bill No. 227 from the Committee on Judiciary B.

**HOUSE BILL NO. 227—**

BY REPRESENTATIVE CRAVINS

AN ACT

To enact R.S. 33:1448(P), relative to group insurance premiums; to provide for the payment of insurance premiums for certain retired sheriffs and retired deputy sheriffs in St. Landry Parish; and to provide for related matters.

Under the provisions of Joint Rule No. 5, the bill, which is a duplicate of Senate Bill No. 99, was read by title and referred to the Legislative Bureau.

**Senate Bills and Joint Resolutions  
Returned from the House  
of Representatives with Amendments**

The following Senate Bills and Joint Resolutions returned from the House of Representatives with amendments were taken up and acted upon as follows:

**Senator McPherson in the Chair**

**SENATE BILL NO. 265—**

BY SENATOR HINES AND REPRESENTATIVE DURAND AND

COAUTHORED BY REPRESENTATIVES R. CARTER AND SALTER

AN ACT

To amend and reenact R.S. 37:1041(C)(2) and (4) and to enact R.S. 37:1041(C)(5), relative to the practice of optometry; to provide for modifications in current definitions; to provide for a definition of ophthalmic surgery; and to provide for related matters.

The bill was read by title. Returned from the House of Representatives with the following amendments:

### HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Durand to Engrossed Senate Bill No. 265 by Senator Hines

#### AMENDMENT NO.1

On page 3, line 5, after "which" and before "vivo" insert "in"

Senator Hines moved to concur in the amendments proposed by the House.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Total - 36		

#### NAYS

Total - 0

#### ABSENT

Barham  
Total - 1

The Chair declared the amendments proposed by the House were concurred in. Senator Hines moved to reconsider the vote by which the amendments were concurred in and laid the motion on the table.

### Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

#### SENATE BILL NO. 187—

BY SENATORS DUPRE, N. GAUTREAUX, MALONE, MCPHERSON, MICHOT AND ROMERO AND REPRESENTATIVES BALDONE, PITRE AND ST. GERMAIN

#### A JOINT RESOLUTION

Proposing to add Article VII, Section 10.2(E) of the Constitution of Louisiana, relative to the Wetlands Conservation and Restoration Fund; to provide relative to certain federal revenues received by the state generated from Outer Continental Shelf oil and gas activity; to provide for the depositing and crediting of such monies into the Wetlands Conservation and Restoration Fund, and for the uses of such federal revenues; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

The bill was read by title. Senator Dupre moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Total - 36		

#### NAYS

Total - 0

#### ABSENT

Barham  
Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 2, was taken up and acted upon as follows:

#### SENATE BILL NO. 195—

BY SENATORS DUPRE, BAJOE, N. GAUTREAUX, HINES, MALONE, MCPHERSON, MICHOT, MOUNT AND ROMERO AND REPRESENTATIVES ALARIO, BALDONE, DORSEY, HAMMETT, PITRE, SALTER AND ST. GERMAIN

#### AN ACT

To amend and reenact R.S. 49:213.7(A)(2)(introductory paragraph), (C) and (D), and to enact R.S. 49:213.7(B)(3) and (E)(7), relative to the Wetlands Conservation and Restoration Fund; to provide relative to certain federal revenues to be credited and deposited to the fund; to provide relative to fund uses; and to provide for related matters.

The bill was read by title. Senator Dupre moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Total - 36		

#### NAYS

Total - 0

## ABSENT

Barham  
Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Mr. President in the Chair**

**Senate Concurrent Resolutions  
on Second Reading  
Reported by Committees**

The following Senate Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

**SENATE CONCURRENT RESOLUTION NO. 36—**  
BY SENATOR ADLEY

**A CONCURRENT RESOLUTION**

To urge and request the State Board of Elementary and Secondary Education to develop and adopt a Minimum Foundation Program Formula that provides for the reallocation of the amount of state funds attributable to a secondary school student who is enrolled in a technical college from the city, parish, or other local public school system where the student attends to the technical college in which he is enrolled.

Reported favorably by the Committee on Education.

The resolution was read by title. Senator Adley moved to adopt the Senate Concurrent Resolution.

**ROLL CALL**

The roll was called with the following result:

## YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo

Total - 36

## NAYS

Total - 0

## ABSENT

Barham  
Total - 1

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**Senate Bills and Joint Resolutions on  
Third Reading  
and Final Passage**

The following Senate Bills and Joint Resolutions on Third Reading and Final Passage were taken up and acted upon as follows:

**SENATE BILL NO. 35—**  
BY SENATOR BARHAM

**AN ACT**

To enact R.S. 40:2405(H), relative to peace officer standards and training; to provide requirements for former peace officers to retain certain qualifications; to provide relative to the resumption of service as a peace officer; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 40—**

BY SENATORS CAIN AND MICHOT

**AN ACT**

To amend and reenact R.S. 40:1299.58.2 (9) and to enact R.S. 40:1299.58.11 through R.S. 40:1299.58.13 relative to living wills; to affirm the dignity of human life; to clarify the definition of life sustaining procedures; to encourage citizens to make informed decisions regarding medical treatment; to provide relative to nutrition and dehydration; to provide for injunctive relief; to require financial responsibility of the state for life-sustaining procedures under certain conditions; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and recommitted to the Committee on Finance.

**SENATE BILL NO. 21—**

BY SENATOR N. GAUTREAUX

**AN ACT**

To enact R.S. 56:799.4(B)(8), relative to the White Lake Property Advisory Board; to provide relative to board composition and membership; to add a member at large to the board who shall be a resident of Ward 8 of Vermilion Parish and appointed by the governor; and to provide for related matters.

The bill was read by title. Senator N. Gautreaux moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

## YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo

Total - 36

## NAYS

Total - 0

## ABSENT

Barham  
Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator N. Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 68—**  
BY SENATOR LENTINI

**AN ACT**

To enact R.S. 18:1505.2(S), relative to campaign finance; to prohibit certain persons from contributing to the campaign of certain judges, justices of the peace, district attorneys, and sheriffs; to prohibit the solicitation or receipt of such contributions by such judges, justices of the peace, district attorneys, and sheriffs; to provide for civil and criminal penalties; to provide for the deposition of funds; and to provide for related matters.

On motion of Senator Lentini, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 124—**  
BY SENATOR CHEEK

**AN ACT**

To amend and reenact R.S. 17:1519.6(C), relative to the Department of Health and Hospitals; to provide with respect to Medicaid and the disproportionate share payment methodology; to provide with respect to the time period for implementing a new methodology; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Cheek sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Cheek to Engrossed Senate Bill No. 124 by Senator Cheek

**AMENDMENT NO. 1**

Delete committee amendments 1 and 2 proposed by the Senate Committee on Health and Welfare and adopted by the Senate on May 12, 2005.

**AMENDMENT NO. 2**

On page 2, delete lines 6 through 9 and insert "and diagnosis-related groupings, **and implementation will occur no earlier than six months, meaning one hundred eighty days, after the completed plan when impact analysis has been submitted and approved by the Senate and House committees on health and welfare and the Centers for Medicare and Medicaid Services**"

On motion of Senator Cheek, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Murray sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Murray to Engrossed Senate Bill No. 124 by Senator Cheek

**AMENDMENT NO. 1**

On page 1, line 2, between "R.S. 17:1519.6(C)" and the comma ",", insert "and R.S. 40:2018.1(G)"

**AMENDMENT NO. 2**

On page 1, line 5, between "methodology;" and "and" insert "to extend the termination date of the Louisiana Commission on HIV, AIDS and Hepatitis C;"

**AMENDMENT NO. 3**

On page 2, after line 7, add the following:

"§2018.1. Louisiana Commission on HIV, AIDS and Hepatitis C

G. The commission shall terminate on September 1, ~~2005~~ **2006**."

On motion of Senator Murray, the amendments were adopted.

The bill was read by title. Senator Cheek moved the final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Hollis	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Duplessis	Malone	
Total - 35		

**NAYS**

Total - 0

**ABSENT**

Barham	Jackson
Total - 2	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Cheek moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 146—**

BY SENATORS BAJOE AND MCPHERSON

**AN ACT**

To enact R.S. 17:197.1, relative to school nutrition; to provide for legislative finding; to limit the sale of certain beverages and foods at schools during specified portions of the day; to require certain decisions be made by school principals; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

**SENATE BILL NO. 160—**

BY SENATOR AMEDEE

**AN ACT**

To amend and reenact R.S. 46:56(F)(9)(a), (b), (c), (d), and (e), and to enact R.S. 46:56(F)(9)(f) and (g), relative to the Department of Social Services; to provide with respect to the confidentiality of case records; to provide for limited disclosures by the department; to provide for confidentiality of records during criminal investigations; to provide for confidentiality of public records as required by federal law; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Lentini sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Lentini on behalf of the Legislative Bureau to Engrossed Senate Bill No. 160 by Senator Amedee

**AMENDMENT NO. 1**

On page 1, line 2, following "46:56(F)(9)" delete the remainder of the line and on line 3 delete "46:56(F)(9)(f) and (g)"

**AMENDMENT NO. 2**

On page 1, line 9, following "46:56(F)(9)" delete the remainder of the line and line 10 and insert "is hereby amended and reenacted to read as follows:"

On motion of Senator Lentini, the amendments were adopted.

The bill was read by title. Senator Amedee moved the final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Total - 36		

#### NAYS

Total - 0

#### ABSENT

Barham  
Total - 1

The Chair declared the amended bill was passed. The title was read and adopted. Senator Amedee moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### SENATE BILL NO. 180— BY SENATOR MALONE

#### AN ACT

To amend and reenact R. S. 9:2343(E)(1), relative to public trusts; to provide relative to public trust contracts for construction, labor, equipment, or repairs; to provide relative to compliance with public bid requirements for such contracts; to remove exemption from such compliance for certain economic development facilities and activities; and to provide for related matters.

The bill was read by title. Senator Malone moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Ellington	Marionneaux
Adley	Fields	McPherson
Amedee	Fontenot	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Dupre	Malone	
Total - 35		

#### NAYS

Total - 0

#### ABSENT

Bajoie  
Total - 2  
Barham

The Chair declared the bill was passed. The title was read and adopted. Senator Malone moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### SENATE BILL NO. 186— BY SENATOR BOASSO

#### AN ACT

To enact R.S. 18:1505.2(S), relative to campaign finance; to provide for prohibited campaign contributions; to prohibit candidates from soliciting or accepting certain campaign contributions; and to provide for related matters.

The bill was read by title. Senator Boasso moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Fontenot	Marionneaux
Boasso	Gautreaux B	McPherson
Cain	Gautreaux N	Michot
Cheek	Hollis	Nevers
Cravins	Jackson	Romero
Duplessis	Jones	Smith
Dupre	Kostelka	Theunissen
Ellington	Lentini	Ullo
Fields	Malone	
Total - 26		

#### NAYS

Adley	Broome	Mount
Amedee	Dardenne	Murray
Bajoie	Heitmeier	Schedler
Total - 9		

#### ABSENT

Barham  
Total - 2  
Chaisson

The Chair declared the bill was passed. The title was read and adopted. Senator Boasso moved to reconsider the vote by which the bill was passed and laid the motion on the table.

### SENATE BILL NO. 223— BY SENATOR HOLLIS

#### AN ACT

To amend and reenact R.S. 12:901(A), 902, 904, 911(B), and 914, relative to professional medical corporations; to provide for the inclusion of the practice of podiatry in a professional medical corporation; and to provide for related matters.

The bill was read by title. Senator Hollis moved the final passage of the bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Boasso	Gautreaux B	Mount

May 17, 2005

Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Total - 36		

NAYS

Total - 0

ABSENT

Barham  
Total - 1

The Chair declared the bill was passed. The title was read and adopted. Senator Hollis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**SENATE BILL NO. 272—**  
BY SENATOR MCPHERSON

AN ACT

To amend and reenact R.S. 40:2116(A), (B) and (D), relative to a moratorium on Title XIX certified beds in nursing facilities; to provide for the encouragement of the diversification of long-term care facilities; to provide for rule promulgation by the Department of Health and Hospitals; and to provide for related matters.

**Floor Amendments Sent Up**

Senator McPherson sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator McPherson to Engrossed Senate Bill No. 272 by Senator McPherson

**AMENDMENT NO.1**

On page 3, line 3, change "**July 1, 2005**" to "**July 31, 2005**"

**AMENDMENT NO. 2**

On page 3, between lines 8 and 9, insert the following:

**"(3) The Department of Health and Hospitals shall promulgate rules and regulations, in accordance with the Administrative Procedure Act, regarding the emergency replacement of existing nursing facilities destroyed by fire or as a result of a natural disaster, or as a result of condemnation of the facility by a government agency eliminating the need for approval through the facility need review process."**

On motion of Senator McPherson, the amendments were adopted.

**Floor Amendments Sent Up**

Senator Michot sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Michot to Engrossed Senate Bill No. 272 by Senator McPherson

**AMENDMENT NO.1**

On page 3, delete lines 2 and 3 in their entirety and insert in lieu thereof the following:

**"prohibition shall not apply to an operator who had plans for a replacement facility approved by the Department of Health and Hospitals on or before July 1, 2005 and who has reached vertical construction by October 1, 2005. Vertical construction shall"**

Senator Michot moved adoption of the amendments.

Senator McPherson objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Adley	Heitmeier	Nevers
Boasso	Hollis	Romero
Cain	Jackson	Schedler
Chaisson	Kostelka	Smith
Dardenne	Lentini	Theunissen
Duplessis	Malone	Ullo
Dupre	Michot	
Ellington	Mount	
Total - 22		

NAYS

Mr. President	Cheek	Jones
Amedee	Fontenot	Marionneau
Bajoie	Gautreaux B	McPherson
Broome	Gautreaux N	Murray
Total - 12		

ABSENT

Barham	Cravins	Fields
Total - 3		

The Chair declared the amendments were adopted.

**Floor Amendments Sent Up**

Senator Dupre sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Dupre to Engrossed Senate Bill No. 272 by Senator McPherson

**AMENDMENT NO.1**

On page 3, between lines 8 and 9, insert the following:

**"(3)The prohibitions as provided in Paragraph (2) of this Subsection shall not apply to an operator of a facility or a replacement facility in Lafourche Parish on or before July 1, 2010."**

Senator Dupre moved adoption of the amendments.

Senator McPherson objected.

**ROLL CALL**

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Michot
Adley	Gautreaux B	Mount
Boasso	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Jackson	Schedler
Dardenne	Kostelka	Smith
Duplessis	Lentini	Theunissen
Dupre	Malone	Ullo
Ellington	Marionneau	
Total - 26		

NAYS

Amedee	Cheek	Jones
Bajoie	Cravins	McPherson
Broome	Fields	Murray
Total - 9		

ABSENT

Barham Hollis  
Total - 2

The Chair declared the amendments were adopted.

### Floor Amendments Sent Up

Senator N. Gautreaux sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator N. Gautreaux to Engrossed Senate Bill No. 272 by Senator McPherson

#### AMENDMENT NO. 1

On page 3, line 6, after "**driven**" and before the period "." insert "**, if necessary**"

On motion of Senator N. Gautreaux, the amendments were adopted.

The bill was read by title. Senator McPherson moved the final passage of the amended bill.

### ROLL CALL

The roll was called with the following result:

#### YEAS

Adley	Dupre	Lentini
Amedee	Ellington	Malone
Bajoie	Fields	McPherson
Boasso	Fontenot	Murray
Broome	Gautreaux B	Nevers
Chaisson	Heitmeier	Romero
Cheek	Hollis	Schedler
Cravins	Jackson	Smith
Duplessis	Jones	Ullo
Total - 27		

#### NAYS

Cain	Marionneaux	Theunissen
Dardenne	Michot	
Kostelka	Mount	
Total - 7		

#### ABSENT

Mr. President	Barham	Gautreaux N
Total - 3		

The Chair declared the amended bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

#### SENATE BILL NO. 292—

BY SENATORS HINES, CRAVINS AND CAIN  
AN ACT

To amend and reenact Part IV of Title 4 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 4:251 and 252, and to enact R.S. 4:143(16), relative to racing; to provide for a horsemen's workers' compensation insurance program; to authorize the Horsemen's Benevolent and Protective Association to secure and provide coverage for the benefit of trainers and others licensed by the Louisiana State Racing Commission; to authorize the use of association assets and revenues as security for a reserve fund; to require each licensed trainer to have a certificate of worker's compensation insurance coverage; to prohibit admittance of a licensed trainer into any racing facility without a certificate of worker's compensation insurance coverage; and to provide for related matters.

### Motion

On motion of Senator Hines, Senate Bill No. 292 was made Special Order of the Day No. 2 on Wednesday, May 18, 2005, immediately following the Morning Hour.

#### SENATE BILL NO. 182— BY SENATOR DUPRE

#### AN ACT

To enact Subpart A-3 of Part II of Chapter 2 of Subtitle 1 of Title 30 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 30:150, relative to mineral leases; to provide relative to mineral leases on state lands; to provide certain drilling incentives; to provide relative to royalties; to create the Louisiana Royalty Relief Dry Hole Credit Program; to provide certain terms, conditions, procedures, and requirements; and to provide for related matters.

### Floor Amendments Sent Up

Senator Dupre sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Dupre to Engrossed Senate Bill No. 182 by Senator Dupre

#### AMENDMENT NO. 1

On page 4, line 1, after "**resources**" delete the period and insert "**, except for extensions of the credit as authorized in Subsection C herein.**"

#### AMENDMENT NO. 2

On page 4, after line 8, insert

**"J. The provisions of this Subpart shall be known and may be cited as the Developed Resources In Louisiana (DRIL) Act of 2005."**

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

On motion of Senator Dupre, the amendments were adopted.

### Floor Amendments Sent Up

Senator B. Gautreaux sent up floor amendments which were read.

### SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Gautreaux to Engrossed Senate Bill No. 182 by Senator Dupre

#### AMENDMENT NO. 1

On page 2, delete line 2, and insert "**state-owned lands or water bottoms in the coastal zone, as defined in R.S. 49:214.24.**"

#### AMENDMENT NO. 2

On page 2, line 6, delete "**Louisiana offshore state**" and insert "**state-owned**"

#### AMENDMENT NO. 3

On page 2, line 7, after "**bottoms**" insert "**in the coastal zone, as defined in R.S. 49:214.24.**"

#### AMENDMENT NO. 4

On page 2, line 29, delete "**state offshore**" and insert "**state-owned**" and after "**bottoms**" insert "**in the coastal zone, as defined in R.S. 49:214.24.**"

On motion of Senator B. Gautreaux, the amendments were adopted.

The bill was read by title. Senator Dupre moved the final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Mr. President	Dupre	Marionneaux
Adley	Ellington	McPherson
Amedee	Fields	Michot
Bajoie	Fontenot	Mount
Boasso	Gautreaux B	Murray
Broome	Gautreaux N	Nevers
Cain	Heitmeier	Romero
Chaisson	Hollis	Schedler
Cheek	Jackson	Smith
Cravins	Jones	Theunissen
Dardenne	Kostelka	Ullo
Duplessis	Lentini	
Total - 35		

**NAYS**

Total - 0

**ABSENT**

Barham	Malone
Total - 2	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Senator Bajoie in the Chair**

**Senate Bills and Joint Resolutions on Third Reading and Final Passage, Subject to Call**

The following Senate Bills and Joint Resolutions on Third Reading and Final Passage, subject to call, were taken up and acted upon as follows:

**Called from the Calendar**

Senator Amedee asked that Senate Bill No. 161 be called from the Calendar at this time for its final passage.

**SENATE BILL NO. 161—**  
BY SENATOR AMEDEE

**AN ACT**

To amend and reenact Children's Code Arts. 615(B)(1) and (2), 619(B) and (C), 620(C), 622(A)(introductory paragraph) and (1), (2), and (4), 624(A), 627(B), and R.S. 14:92.2(B), and to enact Children's Code Arts. 603(18) and (19), 624(G) and (H), and R.S. 14:92.2(A)(3), relative to children in need of care; to provide relative to definitions for the removal of a child in need of care; to provide with respect to instant removal of a child in need of care; to provide for provisional custody of a child in need of care; to provide for a court ordered safety plan to insure the protection of a child; to provide for penalties for improper supervision of a minor child; and to provide for related matters.

The bill was read by title. Senator Amedee moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Fields	McPherson
Amedee	Fontenot	Michot
Bajoie	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Broome	Heitmeier	Nevers
Cain	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Dupre	Malone	
Ellington	Marionneaux	
Total - 34		

**NAYS**

Total - 0

**ABSENT**

Mr. President	Barham	Cravins
Total - 3		

The Chair declared the bill was passed. The title was read and adopted. Senator Amedee moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**House Bills and Joint Resolutions on Third Reading and Final Passage**

The following House Bills and Joint Resolutions on Third Reading and Final Passage were taken up and acted upon as follows:

**HOUSE BILL NO. 28 (Duplicate of Senate Bill No. 8 by Senator Theunissen)—**

BY REPRESENTATIVE MORRISH AND SENATOR THEUNISSEN AND COAUTHORED BY REPRESENTATIVES JOHNS, GEYMAN, E. GUILLORY, AND KLECKLEY

**AN ACT**

To amend and reenact R.S. 34:204.1(B) and (D)(12), relative to the Lake Charles Harbor and Terminal District; to provide relative to the qualifications and authority of the port director; and to provide for related matters.

**Floor Amendments Sent Up**

Senator Theunissen sent up floor amendments which were read.

**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Theunissen to Reengrossed House Bill No. 28 by Representative Morrish

**AMENDMENT NO.1**

Delete Senate Floor Amendments Nos. 4, 5, and 6 in the Conforming Amendments proposed by Senator Theunissen and adopted by the Senate on May 10, 2005.

On motion of Senator Theunissen, the amendments were adopted.

The bill was read by title. Senator Theunissen moved the final passage of the amended bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Boasso	Gautreaux B	Mount
Broome	Gautreaux N	Murray
Cain	Heitmeier	Nevers
Chaisson	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Dupre	Malone	
Total - 35		

**NAYS**

Total - 0

**ABSENT**

Mr. President	Barham
Total - 2	

The Chair declared the amended bill was passed. The title was read and adopted. Senator Theunissen moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 272—**

BY REPRESENTATIVE BALDONE

**AN ACT**

To enact R.S. 14:62.5(C), relative to looting; to provide with respect to penalties for the crime of looting when committed during a state of emergency; and to provide for related matters.

The bill was read by title. Senator Dupre moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Ellington	McPherson
Amedee	Fontenot	Michot
Bajoie	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Broome	Heitmeier	Nevers
Cain	Hollis	Romero
Chaisson	Jackson	Schedler
Cheek	Jones	Smith
Cravins	Kostelka	Theunissen
Dardenne	Lentini	Ullo
Duplessis	Malone	
Dupre	Marionneaux	
Total - 34		

**NAYS**

Fields  
Total - 1

**ABSENT**

Mr. President	Barham
Total - 2	

The Chair declared the bill was passed. The title was read and adopted. Senator Dupre moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**HOUSE BILL NO. 658—**

BY REPRESENTATIVE SCHNEIDER

**AN ACT**

To amend and reenact R.S. 11:263, 264, 264.4, 264.7(A), 266(B) and (C), 267(B)(2) and (C), and 269, to enact R.S. 11:264.5(C) and Subpart N of Part II of Chapter 4 of Subtitle I of Title 11 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 11:351 and 352, and to repeal R.S. 11:267(B)(3) and (D), relative to investments of the state and statewide retirement systems; to provide relative to fiduciary duty, including enforcement of requirements therefor; to require disclosure by investment consultants and money managers; to provide for penalties; to provide for reports; to provide relative to investments in certain sanctioned nations; to provide for definitions; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Schedler moved the final passage of the bill.

**ROLL CALL**

The roll was called with the following result:

**YEAS**

Adley	Fields	McPherson
Amedee	Fontenot	Michot
Bajoie	Gautreaux B	Mount
Boasso	Gautreaux N	Murray
Broome	Heitmeier	Nevers
Cain	Hollis	Romero
Cheek	Jackson	Schedler
Cravins	Jones	Smith
Dardenne	Kostelka	Theunissen
Duplessis	Lentini	Ullo
Dupre	Malone	
Ellington	Marionneaux	
Total - 34		

**NAYS**

Total - 0

**ABSENT**

Mr. President	Barham	Chaisson
Total - 3		

The Chair declared the bill was passed. The title was read and adopted. Senator Schedler moved to reconsider the vote by which the bill was passed and laid the motion on the table.

**Rules Suspended**

Senator Ullo asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House****CONCURRING IN  
SENATE CONCURRENT RESOLUTIONS**

May 17, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally concurred in the following Senate Concurrent Resolutions:

**SENATE CONCURRENT RESOLUTION NO. 56—**  
BY SENATOR HINES

**A CONCURRENT RESOLUTION**

To proclaim May 16, 2005, as "Emergency Medical Services for Children Day."

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 57—**  
BY SENATOR HINES

**A CONCURRENT RESOLUTION**

To proclaim May 15-21, 2005 as "Emergency Medical Services Week."

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 60—**  
BY SENATOR HEITMEIER

**A CONCURRENT RESOLUTION**

To elect H. Gordon Monk as legislative fiscal officer.

Reported without amendments.

**SENATE CONCURRENT RESOLUTION NO. 62—**

BY SENATORS ADLEY, AMEDEE, BAJOIE, BOASSO, BROOME, CAIN, CHAISSON, CHEEK, DARDENE, DUPLESSIS, DUPRE, ELLINGTON, FONTENOT, B. GAUTREAUX, N. GAUTREAUX, HOLLIS, JONES, KOSTELKA, LENTINI, MALONE, MCPHERSON, MICHOT, MOUNT, MURRAY, NEVERS, ROMERO, SCHEDLER, SMITH, THEUNISSEN AND ULLO AND REPRESENTATIVES T. POWELL, ROBIDEAUX AND SCHNEIDER

**A CONCURRENT RESOLUTION**

To direct the secretary of the Department of Revenue to accept amended income tax returns for certain taxpayers and make refunds to reflect the appropriate amount of exemption for retirement income for certain persons sixty-five years or older.

Reported without amendments.

Respectfully submitted,  
ALFRED W. SPEER

Clerk of the House of Representatives

**Introduction of Resolutions,  
Senate and Concurrent**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

**SENATE RESOLUTION NO. 81—**  
BY SENATOR ROMERO

**A RESOLUTION**

To express the sincere and heartfelt condolences of the Senate of the Legislature of Louisiana upon the death of Murle "Coach Mac" McClelland.

On motion of Senator Romero, the resolution was read by title and adopted.

**SENATE RESOLUTION NO. 82—**  
BY SENATOR ELLINGTON

**A RESOLUTION**

To recognize and commend Josette Lester, horticulture division manager with the office of state buildings, for a lifetime of dedicated public service upon the occasion of her retirement.

On motion of Senator Ellington, the resolution was read by title and adopted.

**SENATE RESOLUTION NO. 83—**  
BY SENATOR FONTENOT

**A RESOLUTION**

To designate May 18, 2005 as Louisiana Housing Council Day.

On motion of Senator Fontenot, the resolution was read by title and adopted.

**SENATE CONCURRENT RESOLUTION NO. 63—**  
BY SENATOR JONES

**A CONCURRENT RESOLUTION**

To urge and request the Board of Regents to conduct a study and manage a master planning process using research, data analysis, community input and experience to recommend programs, site design, and development plans for the creation of the Northeast Louisiana Delta Learning Center.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Education.

**SENATE CONCURRENT RESOLUTION NO. 64—**  
BY SENATOR SCHEDLER

**A CONCURRENT RESOLUTION**

To create and provide with respect to a task force to study and make recommendations with respect to the feasibility of Louisiana joining the Nurse Licensure Compact.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Health and Welfare.

**SENATE CONCURRENT RESOLUTION NO. 65—**  
BY SENATOR SCHEDLER

**A CONCURRENT RESOLUTION**

To re-authorize and provide with respect to the Louisiana Public Mental Health Review Commission.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Health and Welfare.

**SENATE CONCURRENT RESOLUTION NO. 66—**  
BY SENATOR NEVERS

**A CONCURRENT RESOLUTION**

To memorialize the Congress of the United States to permit public access to the West Pearl River Navigational Canal located in the parishes of St. Tammany and Washington and to extend the date scheduled for closure until such time that an alternate long-term solution can be determined.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Transportation, Highways and Public Works.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**

**ASKING CONCURRENCE IN  
HOUSE BILLS AND JOINT RESOLUTIONS**

May 17, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

**HOUSE BILL NO. 381—**

BY REPRESENTATIVES JOHNS, ANSARDI, DEWITT, PINAC, AND WALKER AND SENATORS KOSTELKA AND THEUNISSEN

**AN ACT**

To amend and reenact R.S. 51:142, relative to monopolies; to exempt electric or gas utility companies subject to the jurisdiction of certain regulatory commissions from provisions applicable to monopolies; and to provide for related matters.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**House Bills and Joint Resolutions  
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

**HOUSE BILL NO. 381—**  
BY REPRESENTATIVES JOHNS, ANSARDI, DEWITT, PINAC, AND  
WALKER AND SENATORS KOSTELKA AND THEUNISSEN  
AN ACT

To amend and reenact R.S. 51:142, relative to monopolies; to exempt electric or gas utility companies subject to the jurisdiction of certain regulatory commissions from provisions applicable to monopolies; and to provide for related matters.

The bill was read by title; lies over under the rules.

**Messages from the House**

The following Messages from the House were received and read as follows:

**Message from the House**  
**ASKING CONCURRENCE IN**  
**HOUSE CONCURRENT RESOLUTIONS**

May 17, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

**HOUSE CONCURRENT RESOLUTION NO. 110—**  
BY REPRESENTATIVE SMILEY AND SENATORS AMEDEE AND FONTENOT

A CONCURRENT RESOLUTION  
To recognize May 25, 2005, as American Legion and American Legion Auxiliary Poppy Day.

**HOUSE CONCURRENT RESOLUTION NO. 111—**  
BY REPRESENTATIVE GLOVER

A CONCURRENT RESOLUTION  
To commend Evangel Christian Academy upon attaining accreditation from the Southern Association of Colleges and Schools.

**HOUSE CONCURRENT RESOLUTION NO. 7—**  
BY REPRESENTATIVE BRUCE

A CONCURRENT RESOLUTION  
To urge and request the Judicial Council of the Supreme Court of Louisiana to study the feasibility of dividing the Eleventh Judicial District Court into two separate districts to be comprised of DeSoto Parish and Sabine Parish and to submit to the appropriate standing committee of the House of Representatives and the Senate its recommendations on or before October 1, 2006.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

**House Concurrent Resolutions  
on First Reading**

The following House Concurrent Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

**HOUSE CONCURRENT RESOLUTION NO. 7—**

BY REPRESENTATIVE BRUCE  
A CONCURRENT RESOLUTION

To urge and request the Judicial Council of the Supreme Court of Louisiana to study the feasibility of dividing the Eleventh Judicial District Court into two separate districts to be comprised of DeSoto Parish and Sabine Parish and to submit to the appropriate standing committee of the House of Representatives and the Senate its recommendations on or before October 1, 2006.

The resolution was read by title; lies over under the rules.

**HOUSE CONCURRENT RESOLUTION NO. 110—**

BY REPRESENTATIVE SMILEY AND SENATORS AMEDEE AND FONTENOT

A CONCURRENT RESOLUTION  
To recognize May 25, 2005, as American Legion and American Legion Auxiliary Poppy Day.

The resolution was read by title; lies over under the rules.

**HOUSE CONCURRENT RESOLUTION NO. 111—**

BY REPRESENTATIVE GLOVER  
A CONCURRENT RESOLUTION

To commend Evangel Christian Academy upon attaining accreditation from the Southern Association of Colleges and Schools.

The resolution was read by title; lies over under the rules.

**Reports of Committees**

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON**  
**JUDICIARY A**

Senator Lentini, Chairman on behalf of the Committee on Judiciary A, submitted the following report:

May 17, 2005

To the President and Members of the Senate:

I am directed by your Committee on Judiciary A to submit the following report:

**SENATE BILL NO. 184—**  
BY SENATOR LENTINI

AN ACT  
To amend and reenact 40:1299.39.1(A)(1)(e), (2)(a), (3)(a), and the introductory paragraph of (4), and the introductory paragraph of (G) and R.S. 1299.47 (A)(1)(e), (2)(a), (3)(a) and (c) and the introductory paragraph of (4), the introductory paragraph of (G) and (M), to enact R.S. 40:1299.39.1(A)(5) and 1299.47(A)(5) and R.S. 13:3715.4 and 3715.5, and to repeal 40:1299.47(K) and (L), relative to medical liability; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 12—**

BY REPRESENTATIVES JANE SMITH AND M. POWELL  
AN ACT

To enact R.S. 39:1214(C) and (D), relative to invitations to bid for a fiscal agency; to provide that the term of contracts for a fiscal agency with the clerk of court of Bossier Parish may not exceed the term of the clerk; to provide that the term of contracts for a

fiscal agency with the clerk of court of Caddo Parish may not exceed the term of the clerk; and to provide for related matters.

Reported favorably.

**HOUSE BILL NO. 334—**

BY REPRESENTATIVE T. POWELL  
AN ACT

To amend and reenact R.S. 35:407, relative to ex officio notaries public; to provide that municipal police departments are exempt from giving bond for certain ex officio notaries; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 425—**

BY REPRESENTATIVE TRAHAN  
AN ACT

To amend and reenact R.S. 28:63(A) and (C) and to enact R.S. 28:53(N), 53.2(G), and 54(E) and 63(O), relative to civil commitments; to provide for limitations of liability for public and private general hospitals and their personnel; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 506—**

BY REPRESENTATIVE JOHN SMITH  
AN ACT

To amend and reenact R.S. 35:392.1(B), relative to ex officio notaries public; to provide for the authority of a clerk of court and deputy clerk of court as ex officio notaries public; to remove provisions relative to the validity of documents notarized within the course and scope of employment; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 618—**

BY REPRESENTATIVE FANNIN  
AN ACT

To enact 40:1846(H), relative to liquified petroleum gas; to provide for limitations on liability for certain activities related to liquified petroleum gas; to provide for the liability of retailers, suppliers, handlers, transports, and consumers; and to provide for related matters.

Reported with amendments.

**HOUSE BILL NO. 686—**

BY REPRESENTATIVE R. CARTER  
AN ACT

To amend and reenact Code of Civil Procedure Article 1734(A) and R.S. 13:3044(B)(5)(b)(ii), relative to the bond for costs related to a civil jury trial; to change the time for filing the bond; to provide for the date of mailing the jury summons; and to provide for related matters.

Reported favorably.

Respectfully submitted,  
ARTHUR J. "ART" LENTINI  
Chairman

**Message from the House**

**SIGNED HOUSE CONCURRENT RESOLUTIONS**

May 16, 2005

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

**HOUSE CONCURRENT RESOLUTION NO. 94—**

BY REPRESENTATIVE SCALISE AND SENATOR CAIN  
A CONCURRENT RESOLUTION

To memorialize the Congress of the United States of America to take such actions as are necessary to work to abolish the federal estate tax permanently.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,  
ALFRED W. SPEER  
Clerk of the House of Representatives

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

**Privilege Report of the Committee on  
Senate and Governmental Affairs**

**ENROLLMENTS**

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

May 17, 2005

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Bill has been properly enrolled:

**SENATE BILL NO. 74 (Duplicate of House Bill No. 65)—**

BY SENATOR ADLEY AND REPRESENTATIVE MONTGOMERY  
AN ACT

To amend and reenact R.S. 39:1405.3(B), relative to the issuance of industrial revenue bonds; to require the approval of the issuance of such bonds by certain local governmental entities in Bossier Parish prior to State Bond Commission approval; and to provide for related matters.

Respectfully submitted,  
CHARLES D. JONES  
Chairman

The foregoing Senate Bill was signed by the President of the Senate.

**Mr. President in the Chair**

**Leaves of Absence**

The following leaves of absence were asked for and granted:

Barham 1 Day

**Adjournment**

Senator Bajoie moved that the Senate adjourn until Wednesday, May 18, 2005, at 1:30 o'clock P.M.

The President of the Senate declared the Senate adjourned until 1:30 o'clock P.M. on Wednesday, May 18, 2005.

GLENN A. KOEPP  
Secretary of the Senate

GAYE F. HAMILTON  
Journal Clerk